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P17-217

✓RECREATIONAL BOATING SAFETY AND FACILITIES  
IMPROVEMENT ACT OF 1979

HEARING **96-2**  
BEFORE THE  
COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE

NINETY-SIXTH CONGRESS  
SECOND SESSION  
ON

STANFORD  
LIBRARIES

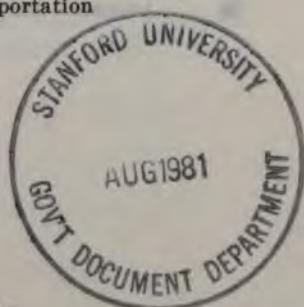
**S. 1957 and H.R. 4310**

TO AMEND THE FEDERAL BOAT SAFETY ACT OF 1971 TO IMPROVE RECREATIONAL BOATING SAFETY AND FACILITIES THROUGH THE DEVELOPMENT, ADMINISTRATION, AND FINANCING OF A NATIONAL RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT PROGRAM, AND FOR OTHER PURPOSES

JUNE 19, 1980

Serial No. 96-120

Printed for the use of the  
Committee on Commerce, Science, and Transportation



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## RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT ACT OF 1979

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THURSDAY, JUNE 19, 1980

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, D.C.*

The committee met at 10:07 a.m. in room 235, Russell Senate Office Building, Hon. Donald W. Riegle, Jr., presiding.

### OPENING STATEMENT BY SENATOR RIEGLE

Senator RIEGLE. The committee will come to order.

This morning the Commerce Committee is convening to receive testimony on two bills, S. 1957 and H.R. 4310, entitled the "Recreational Boating Safety and Facilities Improvement Act."

These bills would establish a new fund in the Treasury, to be supported by revenues from the motorboat fuel tax. This new fund would be used to support State efforts to administer boating safety programs and to develop new boating facilities.

The bills would therefore enable this country's boating public to realize the direct benefits of their tax dollars.

S. 1957 was introduced by my colleague and good friend, Senator Eagleton, on October 30 of 1979. And H.R. 4310, a similar bill that was introduced by Congressman Biaggi, was passed by the House on December 3, 1979.

I have not endorsed this bill myself, but I am very sympathetic to it, and I want to particularly congratulate the Senator from Missouri who is our leadoff witness today for his leadership in this area, and for the fact that I think he has provided very important new momentum to this issue, and so we are very pleased to welcome him to the committee this morning.

Before calling on him, I want to say, too, that we have been receiving testimony from a wide range of supporters of the bills on the needs for and benefits from these bills.

And also I might say from the administration, and the reasons for why they at this point at least are not supporting the bills.

[The bills and agency comments follow.]

96TH CONGRESS  
1ST SESSION

# S. 1957

To amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 30 (legislative day, OCTOBER 15), 1979

Mr. EAGLETON introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
- 2 *That this Act may be cited as the "Recreational Boating*
- 3 *4 Safety and Facilities Improvement Act of 1979".*

1        SEC. 2. The Federal Boat Safety Act of 1971 (Public  
2 Law 92-75, 85 Stat. 213), as amended, is amended as  
3 follows:

4        (1) In section 2 by striking the first sentence and insert-  
5 ing in lieu thereof the following: "It is declared to be the  
6 policy of Congress and the purpose of this Act to improve  
7 recreational boating safety and facilities and to foster greater  
8 development, use, and enjoyment of all the waters of the  
9 United States by encouraging and assisting participation by  
10 the several States, the boating industry, and the boating  
11 public in the development, administration, and financing of a  
12 national recreational boating safety and facilities improve-  
13 ment program; by authorizing the establishment of national  
14 construction and performance standards for boats and associ-  
15 ated equipment; and by creating more flexible authority gov-  
16 erning the use of boats and equipment.".

17        (2) In section 3—

18            (a) by striking (10) and (11) and inserting in lieu  
19 thereof the following:

20            "(10) 'United States' and 'State' include the several  
21 States of the United States, the District of Columbia, the  
22 Commonwealth of Puerto Rico, Guam, American Samoa, the  
23 United States Virgin Islands, the Commonwealth of the  
24 Northern Marianas, the Trust Territory of the Pacific Is-

1 lands, and any other territory or possession over which the  
2 United States has jurisdiction.

3       “(11) ‘Eligible State’ means a State that has a State  
4       recreational boating safety and facilities improvement pro-  
5       gram that has been accepted by the Secretary.”; and

6 (b) by adding the following new clauses:

7       “(12) ‘Recreational boating safety program’ means edu-  
8       cation, assistance, and enforcement activities conducted for  
9       the purpose of boating accident or casualty prevention, re-  
10      duction, and reporting.

11        "(13) 'Recreational boating facilities' means public facil-  
12    ities that create, or add to, public access to the waters of the  
13    United States to improve their suitability for recreational  
14    boating purposes, including such ancillary facilities as are  
15    necessary to insure the safe use of those facilities.

16        “(14) ‘Fund’ means the National Recreational Boating  
17      Safety and Facilities Improvement Fund established by sec-  
18      tion 27 of this Act.”.

19 (3) Section 25 is amended to read as follows:

20 "NATIONAL RECREATIONAL BOATING SAFETY AND  
21 FACILITIES IMPROVEMENT PROGRAM

22 "SEC. 25. In order to encourage greater State participa-  
23 tion and uniformity in boating safety and facility improve-  
24 ment efforts, and particularly to permit the States to assume  
25 the greater share of boating safety education, assistance, and

1 enforcement activities, the Secretary shall implement and ad-  
2 minister a national recreational boating safety and facilities  
3 improvement program. Under this program, the Secretary  
4 may allocate and distribute funds to eligible States to assist  
5 them in the development, administration, and financing of  
6 State recreational boating safety and facilities improvement  
7 programs. The Secretary shall establish guidelines and stand-  
8 ards for this program. In doing so, he shall consider, among  
9 other things, factors which affect recreational boating safety  
10 by contributing to overcrowding and congestion of water-  
11 ways, such as the increasing number of recreational boats  
12 using those waterways and their geographic distribution, and  
13 the availability and geographic distribution of recreational  
14 boating facilities within and among applying States, as well  
15 as State recreational boating casualty and fatality statistics.  
16 A State whose recreational boating safety and facilities im-  
17 provement program has been accepted by the Secretary shall  
18 be eligible for either full or partial allocation and distribution  
19 of funds under this Act to assist that State in the develop-  
20 ment, administration, and financing of its State program.  
21 Matching funds shall be allocated and distributed among eli-  
22 gible States by the Secretary in accordance with section 26  
23 of this Act.”.

24 (4) Section 26 is amended to read as follows:

1       **"PROGRAM ACCEPTANCE AND ALLOCATION OF FUNDS**

2       **"SEC. 26. (a) The Secretary, in accordance with this**  
3       **section and such regulations as he may promulgate, may allo-**  
4       **cate and distribute funds from the fund to any State that has**  
5       **an accepted State recreational boating safety and facilities**  
6       **improvement program, if the State demonstrates to his satis-**  
7       **faction that—**

8               **"(1) the program submitted by that State is con-**  
9       **sistent with the purposes of this Act;**

10              **"(2) funds distributed will be used to develop and**  
11       **administer a State recreational boating safety and facil-**  
12       **ties improvement program containing the minimum re-**  
13       **quirements set forth in subsection (b) of this section;**  
14       **and**

15              **"(3) sufficient State matching funds are available**  
16       **from either general revenue, boat registration and li-**  
17       **cence fees, State marine fuels taxes, or from a fund**  
18       **constituted from the proceeds of such a tax and estab-**  
19       **lished for the purpose of financing a State recreational**  
20       **boating safety and facilities improvement program.**

21              **"(b) The Secretary shall accept a State recreational**  
22       **boating safety and facilities improvement program that in-**  
23       **cludes—**

24              **"(1) a vessel numbering system, either approved**  
25       **or administered by the Secretary under this Act. An**

1       approved State vessel numbering system is necessary  
2       for full eligibility for Federal funds allocated and dis-  
3       tributed under this section;

4               “(2) a cooperative boating safety assistance pro-  
5       gram with the Coast Guard in that State;

6               “(3) sufficient patrol and other activity to insure  
7       adequate enforcement of applicable State boating safety  
8       laws and regulations;

9               “(4) an adequate State boating safety education  
10      program;

11               “(5) the designation of a State lead authority or  
12       agency, which would implement or coordinate the im-  
13       plementation of the State recreational boating safety  
14       and facilities improvement program supported by Fed-  
15       eral financial assistance in that State, including the re-  
16       quirement that the designated State authority or  
17       agency submit required reports in the form prescribed  
18       by the Secretary; and

19               “(6) a facilities improvement program describing  
20       boating facility projects, including but not limited to:  
21       acquisition of title, or any interest in riparian or sub-  
22       merged land; and capital improvement of riparian or  
23       submerged land for the purpose of increasing public  
24       access to the waters of the United States, and such an-

1       cillary facilities as are necessary to insure the safe use  
2       of those facilities."

3       (c) Allocation and distribution of funds under this section  
4       is subject to the following conditions:

5            "(1) Of the total funds available for allocation and  
6       distribution, one-third shall be allocated each year for  
7       recreational boating safety programs and two-thirds  
8       shall be allocated for recreational boating facilities im-  
9       provement programs.

10           "(2) Of the funds available for allocation and dis-  
11       tribution for recreational boating safety programs, one-  
12       third shall be allocated equally among eligible States.  
13       One-third shall be allocated so that the amount each  
14       year to each eligible State will be in the same ratio as  
15       the number of vessels numbered in that State, under a  
16       numbering system approved under this Act, bears to  
17       the number of vessels numbered in all eligible States.  
18       The remaining one-third shall be allocated so that the  
19       amount each year to each eligible State shall be in the  
20       same ratio as the State funds expended or obligated for  
21       the State boating safety program during the previous  
22       fiscal year by a State bears to the total State funds ex-  
23       pended or obligated for that fiscal year by all eligible  
24       States.

1                 “(3) Of the funds available for allocation and dis-  
2                 tribution for recreational boating facilities improvement  
3                 programs, one-third shall be allocated each year, equal-  
4                 ly among eligible States. The remaining two-thirds  
5                 shall be allocated so that the amount each year to each  
6                 eligible State will be in the same ratio as the number  
7                 of vessels numbered in that State bears to the number  
8                 of vessels numbered in all eligible States.

9                 “(4) The amount received by any State under this  
10                section in any fiscal year may not exceed one-half of  
11                the total cost incurred by that State in the develop-  
12                ment, administration, and financing of that State's rec-  
13                reational boating safety and facilities improvement pro-  
14                gram in that fiscal year.

15                “(5) No allocation or distribution of funds under  
16                this section may be made to any State for the mainte-  
17                nance of boating facilities under an approved State rec-  
18                reational boating safety and facilities improvement pro-  
19                gram.

20                “(6) The Secretary is authorized to expend from  
21                the funds available for allocation or distribution in any  
22                fiscal year those sums, not to exceed two percent of  
23                the funds available, as are necessary for the adminis-  
24                tration of this Act.”.

25                (5) Section 27 is amended to read as follows:

1     **"ESTABLISHMENT OF NATIONAL RECREATIONAL BOATING**  
2           **SAFETY AND FACILITIES IMPROVEMENT FUND**

3     **"SEC. 27. There is in the Treasury of the United States**  
4     **a fund known as the National Recreational Boating Safety**  
5     **and Facilities Improvement Fund, consisting of such amounts**  
6     **as may be credited to it as provided in this section. There**  
7     **shall be covered into the fund the amounts specified in sec-**  
8     **tion 209(f)(5) of the Highway Revenue Act of 1956 (70 Stat.**  
9     **397), as amended. Amounts in the fund shall be available, as**  
10    **provided in appropriation Acts, for making expenditures after**  
11    **September 30, 1980, and before October 1, 1984, for the**  
12    **purposes of section 26 of this Act.".**

13     (6) In section 28 by striking subsections (a) and (d)  
14     and redesignating subsections (b) and (c) as (a) and (b),  
15     respectively.

16     (7) In section 29 by adding, following the words "boat-  
17     ing safety", the words "and facilities improvement" and fol-  
18     lowing the words "costs of" the first time they appear, the  
19     word "land,".

20     (8) Section 30 is amended to read as follows:

21     **"AUTHORIZATION OF APPROPRIATIONS FOR STATE REC-**  
22       **CREATIONAL BOATING SAFETY AND FACILITIES IM-**  
23       **PROVEMENT PROGRAMS**

24     **"SEC. 30. For the purpose of providing financial assist-**  
25     **ance for State recreational boating safety and facilities im-**

1 provement programs, there is authorized to be appropriated  
2 \$30,000,000 for each of the fiscal years beginning with fiscal  
3 year 1981 through fiscal year 1984, those appropriations to  
4 remain available until expended.”.

5 (9) Section 31 is amended—

6 (a) in subsection (a) to read as follows:

7 “(a) Amounts allocated and distributed under sec-  
8 tion 26 of this Act shall be computed and paid to the  
9 States as follows: The Secretary shall determine,  
10 during the last quarter of a fiscal year, on the basis of  
11 computations made pursuant to section 29 of this Act  
12 and submitted by the States, the percentage of the  
13 funds available for the next fiscal year to which each  
14 eligible State shall be entitled. Notice of the percent-  
15 age and of the dollar amount, if it can be determined,  
16 for each State shall be furnished to the States at the  
17 earliest practicable time. If the Secretary finds that an  
18 amount made available to a State for a prior year is  
19 greater or less than the amount which should have  
20 been made available to that State for the prior year,  
21 because of later or more accurate State expenditure in-  
22 formation, the amount for the current fiscal year may  
23 be increased or decreased by the appropriate amount.”;  
24 and

1                   (b) in subsection (c) by adding, following the word  
2                   "safety" wherever it appears, the words "and facilities  
3                   improvement".

4                   (10) Section 32 is amended—

5                   (a) by striking in subsection (a) the words "boating  
6                   and boating safety" and inserting in lieu thereof  
7                   the words "boating safety and facilities improvement.";  
8                   and

9                   (b) by adding in the first sentence of subsection (b)  
10                  following the word "safety" the words "and facilities  
11                  improvement".

12                  SEC. 3. Section 209(f)(5) of the Highway Revenue Act  
13                  of 1956 (70 Stat. 397), as amended, is amended to read as  
14                  follows:

15                  “(5) TRANSFERS FROM THE TRUST FUND FOR  
16                  SPECIAL MOTOR FUELS AND GASOLINE USED IN MO-  
17                  TORBOATS.—The Secretary of the Treasury shall pay  
18                  from time to time from the trust fund into the recre-  
19                  ational boating safety and facilities improvement fund  
20                  provided for in section 27 of the Federal Boat Safety  
21                  Act of 1971 (85 Stat. 213), as amended, amounts as  
22                  are determined by him equivalent to the taxes re-  
23                  ceived, on or after September 30, 1980, under section  
24                  4041(b) of the Internal Revenue Code of 1954, as  
25                  amended, with respect to special motor fuels used as

1 fuel for the propulsion of motorboats and under section  
2 4081 of that Code with respect to gasoline used as fuel  
3 in motorboats. No amounts may be transferred under  
4 this section if the transfer would result in increasing  
5 the amount in the recreational boating safety and facil-  
6 ities improvement fund to a sum in excess of  
7 \$30,000,000. The Secretary shall transfer any remain-  
8 ing amounts received into the trust fund from the  
9 above sources and not transferred in accordance with  
10 the foregoing provision, as determined by him in con-  
11 sultation with the Secretary of Commerce, into the  
12 land and water conservation fund provided for in title I  
13 of the Land and Water Conservation Fund Act of  
14 1965.”.

○

96TH CONGRESS  
1ST SESSION

# H. R. 4310

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IN THE SENATE OF THE UNITED STATES

DECEMBER 4 (legislative day, NOVEMBER 29), 1979

Read twice and referred to the Committee on Commerce, Science, and  
Transportation

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## AN ACT

To amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3       **TITLE I—RECREATIONAL BOATING**

4       **SAFETY AND FACILITIES IMPROVEMENT**

5       **SEC. 101.** This title may be cited as the “Recreational  
6 Boating Safety and Facilities Improvement Act of 1979”.

1        SEC. 102. The Federal Boat Safety Act of 1971 (Public  
2 Law 92-75, 85 Stat. 213), as amended, is amended as fol-  
3 lows:

4        (1) In section 2 by striking the first sentence and insert-  
5 ing in lieu thereof the following: "It is declared to be the  
6 policy of Congress and the purpose of this Act to improve  
7 recreational boating safety and facilities and to foster greater  
8 development, use, and enjoyment of all the waters of the  
9 United States by encouraging and assisting participation by  
10 the several States, the boating industry, and the boating pub-  
11 lic in the development, administration, and financing of a na-  
12 tional recreational boating safety and facilities improvement  
13 program; by authorizing the establishment of national con-  
14 struction and performance standards for boats and associated  
15 equipment; and by creating more flexible authority governing  
16 the use of boats and equipment.".

17        (2) In section 3—

18            (a) by striking clauses (10) and (11) and inserting  
19 in lieu thereof the following:

20            "(10) 'United States' and 'State' include the several  
21 States of the United States, the District of Columbia, the  
22 Commonwealth of Puerto Rico, Guam, American Samoa, the  
23 United States Virgin Islands, the Commonwealth of the  
24 Northern Marianas, the Trust Territory of the Pacific Is-

1 lands, and any other territory or possession over which the  
2 United States has jurisdiction.

3 "(11) 'Eligible State' means a State that has a State  
4 recreational boating safety and facilities improvement pro-  
5 gram that has been accepted by the Secretary."; and

6 (b) by adding the following new clauses:

7 "(12) 'Recreational boating safety program' means edu-  
8 cation, assistance, and enforcement activities conducted for  
9 the purpose of boating accident or casualty prevention, re-  
10 duction, and reporting.

11 "(13) 'Recreational boating facilities' means public facil-  
12 ities that create, or add to, public access to the waters of the  
13 United States to improve their suitability for recreational  
14 boating purposes, including such ancillary facilities as are  
15 necessary to insure the safe use of those facilities.

16 "(14) 'Fund' means the National Recreational Boating  
17 Safety and Facilities Improvement Fund established by title  
18 II of this Act.".

19 (3) Section 25 is amended to read as follows:

20 **"NATIONAL RECREATIONAL BOATING SAFETY AND  
21 FACILITIES IMPROVEMENT PROGRAM**

22 "SEC. 25. (a) In order to encourage greater State par-  
23 ticipation and uniformity in boating safety and facility im-  
24 provement efforts, and particularly to permit the States to  
25 assume the greater share of boating safety education, assist-

1 ance, and enforcement activities, the Secretary shall imple-  
2 ment and administer a national recreational boating safety  
3 and facilities improvement program. Under this program, the  
4 Secretary may allocate and distribute funds to eligible States  
5 to assist them in the development, administration, and financ-  
6 ing of State recreational boating safety and facilities improve-  
7 ment programs. The Secretary shall establish guidelines and  
8 standards for this program. In doing so, he shall—

9           “(1) consider, among other things, factors which  
10          affect recreational boating safety by contributing to  
11          overcrowding and congestion of waterways, such as  
12          the increasing number of recreational boats using those  
13          waterways and their geographic distribution, and the  
14          availability and geographic distribution of recreational  
15          boating facilities within and among applying States, as  
16          well as State recreational boating casualty and fatality  
17          statistics;

18           “(2) consult with the Secretary of the Interior so  
19          as to minimize duplication with the purposes and ex-  
20          penditures of the Land and Water Conservation Fund  
21          Act of 1965 (16 U.S.C. 460l-4) and with the guide-  
22          lines developed thereunder; and

23           “(3) maintain environmental standards consistent  
24          with the Coastal Zone Management Act of 1972 (16  
25          U.S.C. 1451-1464) and other Federal laws and poli-

1       cies intended to safeguard the ecological and esthetic  
2       quality of our Nation's waters and wetlands.

3       “(b) A State whose recreational boating safety and facil-  
4       ties improvement program has been accepted by the Secre-  
5       tary shall be eligible for either full or partial allocation and  
6       distribution of funds under this Act to assist that State in the  
7       development, administration, and financing of its State pro-  
8       gram. Matching funds shall be allocated and distributed  
9       among eligible States by the Secretary in accordance with  
10      section 26 of this Act.”.

11      (4) Section 26 is amended to read as follows:

12      **“PROGRAM ACCEPTANCE AND ALLOCATION OF FUNDS**

13      “SEC. 26. (a) The Secretary, in accordance with this  
14      section and such regulations as he may promulgate, may allo-  
15      cate and distribute funds from the fund to any State that has  
16      an accepted State recreational boating safety and facilities  
17      improvement program, if the State demonstrates to his satis-  
18      faction that—

19      “(1) the program submitted by that State is con-  
20      sistent with the purposes of this Act;

21      “(2) the program submitted by that State was de-  
22      veloped in consultation with State officials responsible  
23      for the statewide comprehensive outdoor recreation  
24      plan required by the Land and Water Conservation  
25      Fund Act of 1965 (16 U.S.C. 460l-4) and for any pro-

1       gram developed under the Coastal Zone Management  
2       Act of 1972 (16 U.S.C. 1451-64).

3           “(3) funds distributed will be used to develop and  
4       administer a State recreational boating safety and facil-  
5       ties improvement program containing the minimum re-  
6       quirements set forth in subsection (b) of this section;  
7       and

8           “(4) sufficient State matching funds are available  
9       from either general revenue, boat registration and li-  
10       cense fees, State marine fuels taxes, or from a fund  
11       constituted from the proceeds of such a tax and estab-  
12       lished for the purpose of financing a State recreational  
13       boating safety and facilities improvement program. No  
14       Federal funds from other sources may be used to pro-  
15       vide a State's share of the costs of the program de-  
16       scribed under this section, nor may any State matching  
17       funds committed to a program under this Act be used  
18       to constitute the State's share of matching funds re-  
19       quired by any other Federal program.

20           “(b) The Secretary shall accept a State recreational  
21       boating safety and facilities improvement program that  
22       includes—

23           “(1) a vessel numbering system, either approved  
24       or administered by the Secretary under this Act. An  
25       approved State vessel numbering system is necessary

1 for full eligibility for Federal funds allocated and dis-  
2 tributed under this section;

3 " (2) a cooperative boating safety assistance pro-  
4 gram with the Coast Guard in that State;

5 " (3) sufficient patrol and other activity to insure  
6 adequate enforcement of applicable State boating safety  
7 laws and regulations;

8 " (4) an adequate State boating safety education  
9 program;

10 " (5) the designation of a State lead authority or  
11 agency, which would implement or coordinate the im-  
12 plementation of the State recreational boating safety  
13 and facilities improvement program supported by Fed-  
14 eral financial assistance in that State, including the re-  
15 quirement that the designated State authority or agen-  
16 cy submit required reports that are necessary and rea-  
17 sonable for a proper and efficient administration of the  
18 program and that are in the form prescribed by the  
19 Secretary; and

20 " (6) a facilities improvement program describing  
21 boating facility projects, including but not limited to:  
22 acquisition of title, or any interest in riparian or sub-  
23 merged land; and capital improvement of riparian or  
24 submerged land for the purpose of increasing public ac-  
25 cess to the waters of the United States, and such an-

1       cillary facilities as are necessary to insure the safe use  
2       of those facilities.

3       “(c) Allocation and distribution of funds under this sec-  
4       tion is subject to the following conditions:

5           “(1) Of the total funds available for allocation and  
6       distribution, one-third shall be allocated each year for  
7       recreational boating safety programs and two-thirds  
8       shall be allocated for recreational boating facilities im-  
9       provement programs.

10           “(2) Of the funds available for allocation and dis-  
11       tribution for recreational boating safety programs, one-  
12       third shall be allocated equally among eligible States.  
13       One-third shall be allocated so that the amount each  
14       year to each eligible State will be in the same ratio as  
15       the number of vessels numbered in that State, under a  
16       numbering system approved under this Act, bears to  
17       the number of vessels numbered in all eligible States.  
18       The remaining one-third shall be allocated so that the  
19       amount each year to each eligible State shall be in the  
20       same ratio as the State funds expended or obligated for  
21       the State boating safety program during the previous  
22       fiscal year by a State bears to the total State funds ex-  
23       pended or obligated for that fiscal year by all eligible  
24       States for State recreational boating safety programs.

1                 “(3) Of the funds available for allocation and dis-  
2                 tribution for recreational boating facilities improvement  
3                 programs, one-third shall be allocated each year,  
4                 equally among eligible States. One-third shall be allo-  
5                 cated so that the amount each year to each eligible  
6                 State will be in the same ratio as the number of ves-  
7                 sels numbered in that State bears to the number of  
8                 vessels numbered in all eligible States. The remaining  
9                 one-third shall be allocated so that the amount each  
10                 year to each eligible State shall be in the same ratio as  
11                 the State funds expended or obligated by the State for  
12                 a recreational boating facilities improvement program  
13                 approved under the Act during the previous fiscal year  
14                 by a State bears to the total State funds expended or  
15                 obligated for that fiscal year by all eligible States for  
16                 recreational boating facilities improvement programs.

17                 “(4) The amount received by any State under this  
18                 section in any fiscal year may not exceed one-half of  
19                 the total cost incurred by that State in the develop-  
20                 ment, administration, and financing of that State's rec-  
21                 reational boating safety and facilities improvement  
22                 program in that fiscal year.

23                 “(5) No allocation or distribution of funds under  
24                 this section may be made to any State for the mainte-  
25                 nance of boating facilities under an approved State rec-

1       reational boating safety and facilities improvement pro-  
2       gram.

3           “(6) The Secretary is authorized to expend from  
4       the funds available for allocation or distribution in any  
5       fiscal year those sums, not to exceed two percent of  
6       the funds available, as are necessary for the adminis-  
7       tration of this Act.”.

8           (5) Section 27 is repealed.

9           (6) In section 28 by striking subsections (a) and (d)  
10       and redesignating subsections (b) and (c) as (a) and (b),  
11       respectively.

12           (7) In section 29 by adding, following the words “boat-  
13       ing safety”, the words “and facilities improvement” and fol-  
14       lowing the words “costs of” the first time they appear, the  
15       word “land.”.

16           (8) Section 30 is amended to read as follows:

17       **“AUTHORIZATION OF APPROPRIATIONS FOR STATE REC-  
18       REATIONAL BOATING SAFETY AND FACILITIES IM-  
19       PROVEMENT PROGRAMS**

20           “SEC. 30. For the purpose of providing financial assist-  
21       ance for State recreational boating safety and facilities im-  
22       provement programs, there is authorized to be appropriated  
23       from the National Recreational Boating Safety and Facilities  
24       Improvement Fund \$30,000,000 for each of the fiscal years

1 beginning with fiscal year 1981 through fiscal year 1983,  
2 those appropriations to remain available until expended.”.

3 (9) Section 31 is amended—

4 (a) in subsection (a) to read as follows:

5 “(a) Amounts allocated and distributed under sec-  
6 tion 26 of this Act shall be computed and paid to the  
7 States as follows: The Secretary shall determine, dur-  
8 ing the last quarter of a fiscal year, on the basis of  
9 computations made pursuant to section 29 of this Act  
10 and submitted by the States, the percentage of the  
11 funds available for the next fiscal year to which each  
12 eligible State shall be entitled. Notice of the percent-  
13 age and of the dollar amount, if it can be determined,  
14 for each State shall be furnished to the States at the  
15 earliest practicable time. If the Secretary finds that an  
16 amount made available to a State for a prior year is  
17 greater or less than the amount which should have  
18 been made available to that State for the prior year,  
19 because of later or more accurate State expenditure in-  
20 formation, the amount for the current fiscal year may  
21 be increased or decreased by the appropriate amount.”;  
22 and

23 (b) in subsection (c) by adding, following the word  
24 “safety” wherever it appears, the words “and facilities  
25 improvement”.

1       (10) Section 32 is amended—

2               (a) by striking in subsection (a) the words “boat-  
3               ing and boating safety” and inserting in lieu thereof  
4               the words “boating safety and facilities improvement.”;  
5               and

6               (b) by adding in the first sentence of subsection (b)  
7               following the word “safety” the words “and facilities  
8               improvement”.

9               **TITLE II—ESTABLISHMENT OF FUND**

10       **SEC. 201. SHORT TITLE.**

11       This title may be cited as the “Recreational Boating  
12       Fund Act of 1979”.

13       **SEC. 202. ESTABLISHMENT OF NATIONAL RECREATIONAL  
14               BOATING SAFETY AND FACILITIES IMPROVE-  
15               MENT FUND.**

16       There is established in the Treasury of the United  
17       States a separate fund to be known as the “National Recre-  
18       ational Boating Safety and Facilities Improvement Fund”,  
19       consisting of such amounts as may be paid into it as provided  
20       in section 209(f)(5) of the Highway Revenue Act of 1956.  
21       Amounts in the Fund shall be available, as provided in approp-  
22       riation Acts, for making expenditures after September 30,  
23       1980, and before April 1, 1984, as provided in section 26 of  
24       the Federal Boat Safety Act of 1971 (46 U.S.C. 1476).

## 1 SEC. 203. TRANSFER OF MOTORBOAT FUEL TAXES TO FUND.

2 (a) GENERAL RULE.—Paragraph (5) of section 209(f) of  
3 the Highway Revenue Act of 1956 (23 U.S.C. 120 note) is  
4 amended to read as follows:5         “(5) TRANSFERS FROM THE TRUST FUND FOR  
6 MOTORBOAT FUEL TAXES.—7         “(A) TRANSFER TO NATIONAL RECRE-  
8ATIONAL BOATING SAFETY AND FACILITIES IM-  
9 PROVEMENT FUND.—10         “(i) IN GENERAL.—The Secretary of  
11 the Treasury shall pay from time to time  
12 from the trust fund into the National Recre-  
13ational Boating Safety and Facilities Im-  
14 provement Fund established by section 202  
15 of the Recreational Boating Fund Act  
16 amounts (as determined by him) equivalent  
17 to the motorboat fuel taxes received on or  
18 after October 1, 1980, and before October 1,  
19 1983.

## 20         “(ii) LIMITATIONS.—

21         “(I) LIMIT ON TRANSFERS DUR-  
22 ING ANY FISCAL YEAR.—The aggre-  
23 gate amount transferred under this sub-  
24 paragraph during any fiscal year shall  
25 not exceed \$30,000,000.

14

1                     “(II) LIMIT ON AMOUNT IN  
2 FUND.—No amount shall be transferred  
3 under this subparagraph if the Secretary  
4 determines that such transfer would re-  
5 sult in increasing the amount in the Na-  
6 tional Recreational Boating Safety and  
7 Facilities Improvement Fund to a sum  
8 in excess of \$30,000,000.

9                     “(B) EXCESS FUNDS TRANSFERRED TO  
10 LAND AND WATER CONSERVATION FUND.—Any  
11 amount received in the trust fund which is attrib-  
12 utable to motorboat fuel taxes and which is not  
13 transferred from the trust fund under subpara-  
14 graph (A) shall be transferred by the Secretary  
15 from the trust fund into the land and water con-  
16 servation fund provided for in title I of the Land  
17 and Water Conservation Fund Act of 1965.

18                     “(C) MOTORBOAT FUEL TAXES.—For pur-  
19 poses of this paragraph, the term ‘motorboat fuel  
20 taxes’ means the taxes under section 4041(b) of  
21 the Internal Revenue Code of 1954 with respect  
22 to special motor fuels used as fuel in motorboats  
23 and under section 4081 of such Code with respect  
24 to gasoline used as fuel in motorboats.”

1        (b) **EFFECTIVE DATE.**—The amendment made by sub-  
2 section (a) shall apply to taxes received on or after October 1,  
3 1980.

4 **SEC. 204. STUDY BY SECRETARY OF THE TREASURY.**

5        The Secretary of the Treasury (after consultation with  
6 the Secretary of Transportation) shall conduct a study to de-  
7 termine the portion of the taxes imposed by sections 4041(b)  
8 and 4081 of the Internal Revenue Code of 1954 which is  
9 attributable to fuel used in recreational motorboats. Not later  
10 than 2 years after the date of the enactment of this Act, the  
11 Secretary of the Treasury shall report to the Congress on his  
12 findings under such study.

Passed the House of Representatives December 3, 1979.

Attest:            EDMUND L. HENSHAW, JR.,

*Clerk.*

By BENJAMIN J. GUTHRIE,

*Assistant to the Clerk.*

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., June 18, 1980.

Hon. HOWARD W. CANNON,  
*Chairman, Committee on Commerce, Science, and Transportation,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 1957 and H.R. 4310, bills to amend the Federal Boat Safety Act of 1971, to extend the Coast Guard's boat safety grants-in-aid program and to create a new national recreational boating facilities improvement program.

We recommend against enactment of this legislation.

Under this proposed recreation boating program, construction of new public launch ramps, marinas, and related facilities would be financed by diverting the Federal motorboat fuel tax to a new Coast Guard boating facilities fund. Currently, these revenues accrue to the Land and Water Conservation Fund (L&WCF) at a level of approximately \$30 million annually.

The Heritage Conservation and Recreation Service (HCRS) currently administers the L&WCF which is the principal Federal assistance program for public outdoor recreation. It provides 50 percent matching grant assistance to States and through States to local governments for the acquisition and development of public outdoor recreation areas and facilities. Projects funded must be in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and must meet other applicable Federal requirements.

The Department opposes this legislation for three reasons. First, we believe that the L&WCF, which was created in 1965, continues to offer a comprehensive, rational and highly successful approach to providing Federal financial assistance to State and local governments for public outdoor recreation areas and facilities. By developing and using the SCORP process with its citizen participation requirements, States are able to select projects for L&WCF assistance that meet the full range of public outdoor recreation needs.

The creation of a new narrowly focused categorial grant assistance program for recreational boaters would establish a very undesirable precedent of special interest fragmentation of a Fund whose very success has been its reliance upon State capabilities to identify public recreation needs and to allocate L&WCF assistance in an open and definable manner to projects meeting priority needs.

By endorsing S. 1957, recreational boaters appear to be saying that they are dissatisfied with a process that balances boating with other recreation projects and that their case is compelling enough to warrant special attention and legislative relief. We do not believe this is the case, just as we do not believe that new assistance programs should be established for each recreation activity that is pursued by the general public.

Second, we oppose this bill because the record is clear that recreational boaters are, in fact, receiving an equitable share of L&WCF assistance. L&WCF assistance for outdoor recreation projects where boating was one of the recreation elements was approximately \$52 million in fiscal year 1978 and \$39 million in fiscal year 1979. This assistance was matched by an equal amount of State or local funding creating a total public investment of \$104 million and \$78 million respectively for fiscal years 1978 and 1979. These figures reflect the total costs for projects in which boating is an element; facilities in these projects provide direct and indirect benefits to boaters. Indirect benefits include service facilities such as access roads, parking lots, maintenance buildings and visitor centers as well as recreation elements including trails, campgrounds, picnic areas, and playfields. These figures do not include \$5.1 million of L&WCF assistance provided in fiscal year 1978 and 1979 for fish hatcheries, whose stocking programs benefits many boaters.

These figures also do not reflect other Federal agency expenditures on behalf of recreational boating. Such expenditures include harbor studies, plans and development, nautical charts and marine weather forecasts, navigation aids and enforcement of boating regulations, the dredging of channels and ports, and the development of impoundments and recreational boating facilities on Federal lands. For example, a recent Congressional Research Service sampling of the boating facility development aspect of these expenditures for fiscal year 1978 estimates an additional Federal outlay of at least \$16.5 million.

Finally, the House Committee Report on H.R. 4310, a bill similar to S. 1957, encourages close coordination between the State SCORP process and the proposed boating facilities program and explicitly states that creation of a new recreational boating fund is not intended to limit future L&WCF assistance to public boating facility development. However, under the L&WCF program, the States have considerable administrative latitude to define recreation projects eligible for assistance. If

a new categorical grant assistance program were to be created for recreational boating facilities, we believe that some States may discontinue L&WCF assistance for this purpose. Further, given a new assistance program, national recreation and conservation groups will in all probability insist that the Department discontinue L&WCF assistance to boating facility development.

If the L&WCF were not available as a funding source for public recreational boating facility development, boaters would then rely solely upon the new Coast Guard program. In a time of significant domestic budgetary constraints it is unlikely that such a program would be fully appropriated. In the event that full appropriation were received the program would still be unable to provide as much assistance to facility development as the L&WCF in those States where boating facility programs are well established and are a State recreation priority.

The action proposed in S. 1957 and H.R. 4310 may inadvertently tie the future of public boating facility development to a single revenue source that may decline in the 1980s. As motorboat fuel costs increase and boating becomes more expensive, fuel consumption and related tax receipts may decline, thereby, limiting the amount of money available to meet future facility needs.

In summary, our opposition to this bill stems from our belief in the viability of the L&WCF to serve as the Federal source of public outdoor recreation assistance, that boaters are receiving equitable benefits under the L&WCF and that fragmentation of this successful program will be detrimental to the general recreating public as well as to recreational boaters.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

**JAMES WEBB, Secretary.**

**Senator RIEGLE.** Senator Eagleton, it's a pleasure to have you, and we would be pleased to hear from you at this time.

**STATEMENT OF HON. THOMAS F. EAGLETON, U.S. SENATOR  
FROM MISSOURI**

Senator EAGLETON. Thank you, Mr. Chairman.

I welcome the opportunity to come before the Committee on Commerce to testify in favor of S. 1957, a bill to promote increased use of our waterways and to help reduce boating fatalities and accidents.

The bill addresses two separate but interrelated needs of our boating population, safety and access. More than 50 million persons in the United States engage in recreational boating, and the number is increasing each year.

Overcrowding and density inevitably lead to conflicts, which are first reflected in accident statistics. In past years, the Coast Guard has noted an annual increase of 6 percent in search and rescue operations, with 76 percent of all Coast Guard rescues being for recreational vessels.

Last year in Missouri alone, the division of water safety recorded 13 fatalities, 158 drownings, and 211 boating accidents.

Historically, I have been a strong supporter of the Federal Boat Safety Act, which passed the Senate in 1971, and gave grants to States to emphasize boating safety.

The joint Federal and State role in boat safety education has proven a tremendous success over the years. The Coast Guard has estimated a \$12.3 million annual loss in property damage, on top of the irreplaceable loss of human life.

But the number of boat fatalities has reduced steadily since enactment of the Federal Boat Safety Act, from 1,582 in 1971 to 1,321 in 1978.

Obviously the modest expenditure of Federal funds has been returned many times over in the reduction of fatalities.

However, the Federal Boat Act terminated in fiscal year 1980, despite my last-minute efforts in the Senate Transportation Appropriations Subcommittee to continue partial funding. It is a small price to pay to prevent family fun from turning into family tragedy when often a little knowledge could have saved the day.

Boating is not the recreational pastime of the rich, as it is often depicted. Boating is big business, employing over 550,000 people and netting more than \$7 billion in business each year.

In my State alone, more than 28 million people use the lakes, rivers, streams, et cetera, for recreation. Boat users range from family motor boaters to fishermen. Boaters do not constitute the elite. However, boaters are capable and willing to pay their own way given the opportunity.

I believe this bill gives the boater that opportunity. The apathy of the American public that we hear so much about these days just doesn't exist in the boating community. A few months ago, the Department of Energy solicited public comment on a proposal to ban weekend recreational boating as part of the country's fuel conservation effort. The Department of Energy still is recovering from the onslaught of boater outrage at the proposal.

For although boaters, like all Americans, are willing to share equally in the sacrifices for energy independence, they are not willing, and should not be willing, to become the symbolic scapegoats of energy conservation.

In the course of the public comment period, more than 30,000 boaters wrote to the Department of Energy, and the letters still are pouring in from across the country, even though DOE has since backed off from its proposal. In Missouri alone, more than 3,000 boaters voiced their opposition.

I was overwhelmed by the response, and impressed with what recreational boating gives the public. Many of the letters were from retired senior citizens who had spent a lifetime saving up for the opportunity to spend some leisurely days fishing and boating.

Other letters talked of the togetherness boating gives their families, away from the drone of the television and frantic schedule of 20th century living.

I was touched by stories of sacrifice by individual families to conserve energy during the week, carpooling, bus rides, combined shopping trips, et cetera, to be able to afford the energy and cost of their recreational pastime. Boaters deserve to be commended for their contributions and their sincerity.

S. 1957 would help nourish this American pastime, achieving its objectives at no direct expense to the general taxpayer. And few programs can make that claim. The bill would return \$30 million of the Federal marine fuel tax revenue to the States for conducting boating safety programs, while the remaining two-thirds of the funds would be allocated for boating facility improvement. The funds will be taken from the gasoline taxes paid for by boaters, who will benefit directly by boat safety and new access points.

The Recreational Boating Safety and Facilities Improvement Act of 1979 takes small but important steps to address the current concerns of the American boater; that is, need for additional boat launching sites and dockage space and educational programs for boat owners.

H.R. 4310 has passed the House, and I hope that the Senate too will grant boaters the protection and access to one of our country's greatest recreational outlets.

Thank you very much, Mr. Chairman.

Senator RIEGLE. Well, thank you, Senator Eagleton, for an excellent statement, and I just want to say that as one member of the committee, I am prepared to work with you on this and to help you with this legislation on this committee.

As you are aware, we have got very tough budget constraints that face us this year, but presumably we can still continue to move forward to try to make some progress on this issue.

I think your point about the fact that the boaters now are providing the very moneys in question in terms of earmarking of the motorboat fuel tax, I think provides a very legitimate basis for an argument that some of those funds ought to be reinvested to provide both facilities and safer conditions for people to be able to participate in the wide variety of boating activities.

And I think it is also important to note—and your statement, I think, stressed that—that from an energy point of view, there are an awful lot of pastimes and hobbies and recreational efforts that consume more energy than this, and if people are out in cars rather than perhaps on our waterways, in some respects that actually has a bigger impact on energy usage than the kind of recreational boating we are addressing here.

I know you must go quickly. Let me just ask you two questions, if I may.

In the past the administration has maintained that these bills would unnecessarily duplicate the Land and Water Conservation Act, and I wonder what your reaction is to that argument.

Senator EAGLETON. I don't think it is a duplication, Mr. Chairman. It would run in tandem, as it were, with the Land and Water Conservation Act. It would not do violence to that act, but would merely extend what I think was the intention of the Land and Water Conservation Act. The present act, in my opinion, doesn't treat this matter adequately.

Senator RIEGLE. On the budget impact side of this thing some people raise a fierce objection about "any new program" that would have a price tag of any size. This one would cost us about \$30 million a year once we got started with it, and I am just wondering what thoughts you might have on that expenditure as you look at it against the overall pattern of Federal commitments and priorities at this time.

Senator EAGLETON. I think it's a very appropriate question, Mr. Chairman, because all of us are conscious of balanced budgets and expenditures, new or old.

I don't consider this a new expenditure. This is a diversion of funds already being collected, \$30 million to be diverted from the general pot for this specific use. So this would not be a \$30 million add-on to the budget. We wouldn't have to get a budget resolution clearance. It's taking money that's already coming in and earmarking \$30 million to do what I've described in my testimony.

Senator RIEGLE. Well, I think that's an important point, because, as you say, we are already allocating these funds, anyway. It's a question of whether we would direct them for a specific set of

purposes that would relate to boating safety and boating facilities, and I think that is a very compelling argument.

Well, we thank you for your testimony today, and we are prepared to work with you on it.

Senator EAGLETON. Thank you, Mr. Chairman.

Senator RIEGLE. Our next witness is Congressman Biaggi, and let me invite him to come forward at this time.

Let me welcome my colleague from the House. We are delighted to have you here with us today, and congratulate you on your success in having your bill passed in the House, and we would be delighted to hear from you at this time.

**STATEMENT OF HON. MARIO BIAGGI, U.S. REPRESENTATIVE  
FROM NEW YORK**

Mr. BIAGGI. Thank you for the opportunity to address this committee today. And I'd like to say I think this is the first time I have had the occasion to testify on the Senate side while you presided, and we are not so happy about your transfer.

Senator RIEGLE. Well, thank you. I hope you have many more occasions to come and testify while I am presiding.

Mr. BIAGGI. Thank you.

Mr. Chairman, as principal author of the legislation under consideration, H.R. 4310, I am pleased to appear before you to provide pertinent background and insight into its origin and purpose.

I am especially grateful to your distinguished chairman for responding in a sympathetic fashion to our request for hearings on this legislation, and for providing me with this opportunity to appear on its behalf.

I might add that Chairman Murphy and Ullman and other members expressly associate themselves with these remarks. However, they will not appear personally, in order to provide an opportunity for as many public witnesses as possible to testify on this legislation.

Reduced to its essentials, H.R. 4310, the Recreational Boating Safety and Facilities Improvement Act, addresses two separate but interrelated needs of our recreational boating constituency: safety and access.

It accomplishes this while relying on the time-tested principles of equity, uniformity, cost-effectiveness, and cost-recapture.

You may ask why we need this legislation at this time. I would be the first to admit that statistics are invariably manipulable, susceptible to individual interpretation, and never tell the whole story. However, in this context, they are illustrative.

There are at present some 56 million boaters in the United States, or approximately one-quarter of the U.S. population regularly operating an estimated 14 million pleasure craft on the 25 million miles of waterways in the United States.

And as Senator Eagleton testified, boating is not the exclusive preserve of the elite. It has been determined that the average income of a boater is some \$18,000; hardly an extraordinary income. It is an escape for families and individuals, this factor and—the burgeoning growth of the boating industry is what makes this legislation even more important.

In contrast to recreational use of our highways and airspace, for the most part, recreational boats are unlicensed. An effective national boating safety program, therefore, places a premium on both accident prevention, through universal boater education, as well as corrective efforts, through boating law enforcement and assistance.

In a geographical sense, recreational boating activity is unevenly distributed, generally more concentrated than our population as a whole.

At present, 53 percent of our population lives within 50 miles of 1 of our four major coasts. By 1990, this figure is expected to increase to 75 percent. Within this area, water-based recreation is the preferred form of leisure activity for most of our citizens.

Yet only 4 percent of the U.S. coastline is publicly owned, providing ready access to our waterways. In contrast, our boating population has been growing rapidly since World War II, both in numbers of boaters and numbers of vessels.

In 1971, recognizing these trends, Congress enacted the Landmark Federal Boat Safety Act to promote boating safety as well as the use and enjoyment of all the waters of the United States.

This was a unique experiment in federalism at work. With the Federal assistance provided in that act, the States undertook comprehensive boating safety education, assistance and enforcement programs, making up for the lack of both Federal resources and jurisdiction to maintain public order and a safe operating environment for recreational boating.

Under a protective umbrella of Federal leadership and guidance, the States enacted uniform boating safety laws and enforced those laws in a uniform and reciprocal fashion. Few programs of Federal financial assistance have achieved such a demonstrable impact in lives saved and property damage reduced. From 1971 through 1978, boating fatalities actually declined in the face of a rapidly expanding recreational boating population.

Nevertheless, Federal assistance to State boating programs was allowed to terminate at the conclusion of fiscal year 1980.

In the interim, some States have necessarily curtailed their boating safety programs. This fact is already reflected in the national boating fatality rate, which, following a decade of decline, has once again begun to rise over the past year.

At the same time, the Coast Guard has its hands full with its own fiscal and operational problems, as we in the Congress well recognize.

Ironically, the highly successful record of accomplishments of the Federal Boat Safety Act has permitted the Coast Guard to reduce its levels of boating safety patrol activity in many areas.

The State of Michigan, for example, has entered into a cooperative agreement with the Coast Guard, which provided for the State's assumption of much of the boating safety assistance and patrol activity in that State.

As a result, seven Coast Guard search and rescue stations were closed, at a savings of \$7 million to the Federal Government.

Now, in the face of increasing budgetary shortfalls, the Coast Guard is accelerating the phaseout of its boating safety detachments nationwide, at a projected savings of some \$2 million in fiscal 1981.

As a consequence, the States are being asked to assume an even greater share of the boating law enforcement burden. This is not altogether undesirable. Reducing the Coast Guard's role in boating safety to the training of State marine law enforcement officers and increasing State enforcement efforts at the same time represent the most cost-effective ways of providing boating safety services on our Nation's waterways.

To fulfill this expanded role, however, the States need a firm, continuing commitment of Federal financial assistance upon which to plan. This is the primary reason for the States representation here today.

The States are not asking for new taxes or new expenditures on their behalf, but rather for a reallocation in the disbursement of Federal tax dollars to a higher priority usage. They are seeking that a portion of the Federal share of the motorboat fuel taxes, already paid by the boating community, be allocated on a matching basis along with each State's share of similar tax receipts to fund necessary expanded State boating safety efforts.

Mr. Chairman, until last year, 2 cents of the 4 cents per gallon Federal excise tax that the boaters were paying was either refunded to the boaters, or the boaters were permitted to take a credit in that amount on their Federal income tax return. The termination of that election occurred in 1978 without any hearings.

What we are asking—and that 2 cents credit or refund option was in existence since 1965. It was a form of acknowledging the need to get some benefit back to the boaters in some form.

What we are asking is that 3 of the 4 cents that is currently being paid by the boaters be returned to the States and be spent under the provisions of this bill for the benefit of boaters.

One of those pennies will be allocated for safety, and 2 cents of 3 cents will be spent on boating. In a real sense, this would be far more productive than even reinstating the credit to the boaters that they enjoyed for so many years.

There is inherent logic and symmetry in this proposal. The money the States desire to earmark for the benefit of the Nation's boaters has, in the past, been utilized to fund highway development, general aviation, mass transit, and land acquisition and development programs.

One of those 4 cents, Mr. Chairman, will continue to go to land and water acquisition programs.

In the latter instance, boaters are well aware of their status as the only category of persons directly taxed in support of those programs. Now the boaters themselves, like the general aviation community before them, have recognized the inequity of the status quo, and desire remedial action by the Congress to insure that their taxes are used for the direct benefit of recreational boating.

At the same time, they have observed their taxes going to support non-boating-related programs, boaters have experienced a growing shortfall of safe, adequate boating facilities nationwide, especially in urban and coastal areas.

A few States, like Michigan, Oregon, and Delaware, have assessed their long-term facility development needs and projected fiscal requirements to meet them. Invariably the resulting search for appropriate sources of funding those programs points to the

necessity of earmarking and recycling our Federal boating dollars for that purpose, thereby realining Federal policy to conform to that of a majority of the States.

Simply stated, this is the origin and concept of H.R. 4310. I reemphasize that the bill, as passed unanimously by the House of Representatives last December, involves no new budget authority, levies no new taxes, places no additional burden on the general taxpayer, and is not inflationary in nature.

In fact, it will provide a much needed boost to a severely depressed recreational boating industry, presently aggregating some \$7 billion annually in sales and employing approximately 550,000 persons nationwide.

Of major significance to this committee, and to the one I represent, this measure imposes no new additional burdens on the already overworked and underfunded Coast Guard beyond those required to administer the previous grants-to-States program.

As envisioned, the Coast Guard's role in its implementation, for which the bill's provisions provide adequate reimbursement, is limited to fund management.

Prompt enactment of the bill will permit the Coast Guard to continue to proceed with an accelerated phaseout of its boating safety patrol activity nationwide, without creating a corresponding void in casualty response and enforcement capability which would inevitably endanger life and property on the Nation's waterways.

In my judgment, this measure represents the most cost-effective vehicle for providing the necessary boating safety education, assistance, and enforcement demanded by a continually expanding recreational boating population.

In addition, it will provide badly needed boating facilities and expanded public access to the Nation's waterways. The latter goal is consistent with the President's recent environmental message, proclaiming 1980 the year of the coast. Both aspects of the bill would be funded out of motorboat fuel taxes already collected and deposited in the Treasury.

The bill has the universal support of the boating public, industry, and State recreational boating law enforcement officials. I am confident that upon consideration, this committee and the Senate will embrace this concept as overwhelmingly as the House.

Thank you.

Senator RIEGLE. Thank you very much for your statement and for your leadership on this issue.

Let me ask you the same question I asked Senator Eagleton, and that is this:

How do you respond to the administration's argument that what this bill would propose to do would unnecessarily duplicate the Land and Water Conservation Fund?

Mr. BIAGGI. Well, I disagree with it. The fact of the matter is the Land and Water Conservation Fund has not provided the kind of assistance to boating that it was capable of, or it was charged with doing. The fact—the clear fact is that New York State has contributed some \$2 million in taxes and has not received penny one. California has contributed \$4 million in taxes and has received \$400,000 in return, and I am certain there are many other similar illustrations.

As far as the fund is concerned, and its being further nourished, one of those 4 cents would continue to go to the fund, and there is also an automatic provision in the Land and Water Conservation Fund which permits that funds derived from Outer Continental Shelf lease-sale revenue will replace any funds that would be diverted.

It's in the law, it's an automatic provision, and there is really no loss of funds.

Senator RIEGLE. Well, we thank you very much for your testimony today, and I want to extend the same offer to you, as a member of this committee with a strong interest in this legislation. I would like to suggest that we work together on this as we go down the road here, and see if we can't at some point not very far away bring this legislation on through.

Mr. BIAGGI. I would be delighted to, Mr. Chairman.

I'd like to, if I may, ask permission that a statement by the Honorable Thomas B. Evans, Jr., of Delaware be introduced into the hearing, and further request permission that the record be left open for other members to insert statements into the hearing record.

Senator RIEGLE. Without objection, it is so ordered, and we would welcome any other statements. And we appreciate your coming over today to appear before us.

Mr. BIAGGI. Thank you.

[The statement follows:]

STATEMENT OF HON. THOMAS B. EVANS, JR., U.S. REPRESENTATIVE FROM  
DELAWARE

As a Member of the House Merchant Marine and Fisheries Committee, and a cosponsor of H.R. 4310, I am most appreciative of the fact that the Chairman and other Members of the Commerce Committee are holding a hearing to consider S. 1957 and H.R. 4310, the bill which the House passed in the First Session of this Congress.

I have followed this issue closely in both the 95th and 96th Congresses, and it is the judgement of our Committee on Merchant Marine and Fisheries that we should maintain an active Federal role in boating safety programs.

The Recreational Boating Safety and Facilities Improvement Act continues a boating safety program which has proved to be a model of Federal-State cooperation resulting in the saving of many lives. Since passage of the original Boating Safety Act in 1971, most States have implemented boating safety programs. While the numbers of boats and boaters have increased dramatically, the total number as well as the rate of boating-related fatalities have both declined.

In testimony before the House Subcommittee on Coast Guard and Navigation, the National Association of State Boating Law Administrators and others repeatedly warned that without continued Federal contributions, the states would be forced to curtail their boating safety and enforcement programs. These state programs include essential safety patrols, education programs, and equipment purchases such as radar units.

I am one who believes an ounce of prevention is worth a pound of cure. Money spent to prevent boating accidents is money we do not have to spend for costly and traumatic search and rescue missions.

In this regard, I think it is especially important to note that the U.S. Coast Guard is now trying to reduce their commitment to on-the-water patrol work, and in doing so, a very serious vacuum will be created as far as the safety of the boating public is concerned. One may say that this problem is the responsibility of the states, but in my opinion, it is truly a job for both federal and state governments. This is especially true in "inland" waters such as the Delaware River and Bay that are traditionally considered to be the shared responsibility of federal and state governments.

The Recreational Boating Act also provides for the contributions of federal funds to state programs for the construction of boating facilities to relieve congestion and

improve safety conditions at boat-launching areas. The money provided by the Fund is generated by the "users"—namely the boating public—in that it is derived from the existing tax on motorboat fuels. Thus, H.R. 4310 is not a matter of new Federal spending; rather, it is a means of providing more direct services to the segment of the public bearing the motorboat fuels tax.

Additionally, let me call your attention to several provisions in H.R. 4310 that I offered as amendments in the Subcommittee on Coast Guard and Navigation. Sections 25(a) (2), 26(a) (2), and 26(a) (4) are specifically intended to minimize duplication with expenditures under the Federal Land and Water Conservation Fund and otherwise ensure fiscal responsibility in the administration of the boating facilities program.

In conclusion, I believe that the Boating Safety Act of 1971, which was funded by the federal government through Fiscal Year 1979, resulted in a model of Federal-State cooperation for the benefit and safety of the boating public. I think that record coupled with the fact that the motorboat fuels tax brings only indirect benefits to the boating public suggests a strong rationale for Congressional action on S. 1957 and H.R. 4310.

Thank you for giving me this opportunity to provide my views on this important legislation.

Senator RIEGLE. Let me call our next witness, Capt. Eugene Delaney, Deputy Chief, Office of Boating Safety, U.S. Coast Guard, to come to the witness table at this point.

And as he is coming forward, let me indicate that we have been advised because of a parliamentary situation on the Senate floor and some disagreements in some other matters totally unrelated to the scope of this hearing, that we may find ourselves unable to proceed under the rules past 11 o'clock, and in light of that, I would like to cover as much ground as we can, and therefore I am going to suggest that the witnesses summarize their testimony as much as possible.

We will make all the statements a part of the record, and I am going to submit questions that I have to you, to answer for the record, in the interest of trying to allow everybody an opportunity to speak in the time that we have.

I am sorry to have to make that announcement, but it's a matter beyond our control, so we need to adjust to it. Captain Delaney, we are delighted to have you, and if you can give us the highlights of your testimony, we will insert your statement in the record, and we would love to hear from you.

**STATEMENT OF CAPT. EUGENE A. DELANEY, DEPUTY CHIEF,  
OFFICE OF BOATING SAFETY, U.S. COAST GUARD**

Captain DELANEY. Thank you, Mr. Chairman.

I am Capt. Eugene Delaney, Acting Chief of the Office of Boating Safety, U.S. Coast Guard.

It's a pleasure to appear before you today to present the Department's position on Senate 1957 and H.R. 4310, the Recreational Boating Safety and Facilities Improvement Act of 1979.

And to summarize, sir, looking broadly at Federal recreational programs, there is some concern that splitting off boating facilities from the land and water conservation fund would fragment outdoor recreation planning. Setting up a separate administrative mechanism in the Coast Guard would to a great extent duplicate the activity of the Heritage Conservation and Recreation Service, and would require additional resources to coordinate and administer a boating facilities program.

We feel that with the 2-year phaseout of the State boating assistance program, the States have had sufficient opportunity to plan

their continuing boating safety activities at a level commensurate with the amount of boating activities, known safety problems, and available State revenues, primarily those which are boating-generated.

For all these reasons, the Department cannot support the development of a national boating safety and facilities improvement program as set forth in S. 1957 and H.R. 4310.

We will continue to work with the States and use all the means at our disposal to support them in boating safety.

That completes my presentation, sir.

Senator RIEGLE. That is probably the most efficient summary I've heard in 14 years in the Congress.

I want to congratulate the Coast Guard for its ability to focus on things, although I can't say that I am pleased with the bottom-line judgment here. But I think I understand it.

I know there is great concern about budgetary impact. I think that is overstated for the reasons we have discussed, in terms of some of the bookkeeping aspects of this.

But we appreciate having your statement, and we will consider it as part of the record, and I want to thank you for appearing today.

We will have some questions for you to respond to in writing, if you would.

Captain DELANEY. Yes, sir.

[The statement follows:]

**STATEMENT OF CAPT. EUGENE A. DELANEY, ACTING CHIEF, OFFICE OF BOATING SAFETY, U.S. COAST GUARD**

Mr. Chairman and members of the committee; I am Captain Eugene A. Delaney, Acting Chief of the Office of Boating Safety, U.S. Coast Guard. It is a pleasure to appear before you today to present the Department's position on S. 1957 and H.R. 4310, the "Recreational Boating Safety and Facilities Improvement Act of 1979".

S. 1957 and H.R. 4310 would amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration and financing of a national boating safety and facilities improvement program. It supersedes the grants to States sections of the Federal Boat Safety Act, substituting provisions establishing a national boating safety and facilities improvement program and fund comprised of a portion of the Federal marine fuels tax paid by recreational boaters. This Federal revenue would be returned to the States through a formula grant to be matched by State funds.

There is no question that boating is a major recreational activity in this country, with over 59 million Americans participating each year. There is a great diversity of boating activities on all types of waters. Boating has enjoyed a virtually uninterrupted growth since becoming a major form of recreation. Congress recognized the need, and established a comprehensive national boating safety program, through the Federal Boat Safety Act, to encourage the cooperative efforts of Federal and State governments, the boating public and volunteer organizations, and the manufacturing community. To the credit of the resulting cooperative efforts of these groups, the rate of fatalities per 100,000 boats has been cut in half since passage of the act.

In our testimony, before the House Merchant Marine and Fisheries Subcommittee on Coast Guard and Navigation on the extension of the State boating safety assistance program in February 1978, we indicated that the program provided the incentive to the States to develop acceptable boating safety programs, and to assume a major share of what is logically and statutorily a joint responsibility. The objectives of the grant provisions of the Federal Boat Safety Act to encourage the development of State boating safety programs have been accomplished. When recommending that Federal funding be phased out, we indicated that sufficient State resources should be available to provide adequate boating safety programs. While I suspect that the economic climate today may make it more difficult for some States to retain existing levels of boating safety activities, I feel the States as well as the Federal Government must make some difficult priority determinations as to the scope of services which will be provided to their citizens.

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Looking broadly at Federal recreation programs, there is some concern that splitting off boating facilities from the land and water conservation fund would fragment outdoor recreation planning and resource development. The Heritage Conservation and Recreation Service in administering the land and water conservation fund has regional resources working with each State to identify recreational needs. Setting up a separate administrative mechanism in the Coast Guard would to a great extent duplicate the activity of the Heritage Conservation and Recreation Service, and would require additional resources to coordinate and administer a boating facilities program. In addition, administration of the facilities program would be a new area for the Coast Guard at a time when we are already managing many new tasks. Also, it is the administration's position that the \$30 million recreational boating safety and facilities improvement fund would entail establishment of a new categorical Federal fund, which is not desirable.

Finally, informal observations and review of State, industry, boating association and boater information indicate there may be a need for some additional facilities. We have not conducted any formal studies regarding the need for boating facilities. However, States receiving land and water conservation fund assistance from the Heritage Conservation and Recreation Service consider this need in developing priorities for funding. We see no additional need for Federal involvement in this area.

In summary, we feel that with the two-year phase-out of the State boating safety assistance program, the States have had sufficient opportunity to plan their continuing boating safety activities at a level commensurate with the amount of boating activities, known safety problems, and available State revenues, primarily those which are boating generated. Therefore, for all the foregoing reasons the Department cannot support the development of a national boating safety and facilities improvement program as set forth in S. 1957 and H.R. 4310.

The Department appreciates the Committee's efforts to promote the safe use and enjoyment of our Nation's waters. We will continue to use all means we presently have available to support the States in promoting boating safety.

That, Mr. Chairman, completes my formal presentation. I will be happy to answer any questions you may have or to provide any material desired for the record.

#### QUESTIONS OF THE COMMITTEE AND THE ANSWERS THERETO

**Senator RIEGLE.** You testified that the objectives of the Boat Safety Act have been accomplished, yet you recognize that the states will not be able to replace the phased-out Federal funding. How do you reconcile this inconsistency?

**Captain DELANEY.** The Federal Boat Safety Act of 1971 has promoted greater cooperation and assistance between the Federal Government and the states. The financial assistance was intended as seed money and was extended twice. Federal funding has been successful in getting boating safety programs started in many states, and expanded in others, while promoting uniformity. It is hoped that the value of safety efforts has been sufficiently demonstrated so that state-generated boating revenues will be utilized to provide boating safety services in proportion to state safety needs.

**Senator RIEGLE.** In your opinion, does it make sense to impose the same criteria on the states for eligibility for both facilities and safety program funds?

**Captain DELANEY.** Yes, since the proposed legislation combines these two programs, imposition of the same eligibility criteria would strengthen this relationship.

**Senator RIEGLE.** Proponents of the bills contend that overcrowding caused by boating facility shortages is a serious safety hazard which could be reduced by the development of additional facilities. How do you respond?

**Captain DELANEY.** Congestion is a problem related to the accessibility of suitable bodies of water for large population centers. Development of additional facilities near these centers should reduce overcrowding.

**Senator RIEGLE.** If this legislation is enacted, what is your estimate of the funding and personnel required to administer it?

**Captain DELANEY.** The facilities program is complex and involves new areas for the Coast Guard. A small cadre of new expertise would be needed in Coast Guard Headquarters to develop new program guidelines and standards, to assess facility needs, to determine eligibility and approve state programs, and to otherwise administer the program. One-half of the states would be audited each year. The total estimated administrative cost, including seven personnel, audits, travel and materials is estimated to be about \$380,000.

**Senator RIEGLE.** We have heard that, during the period that Federal funding existed for state boating programs, casualty rates steadily declined, but now that

Federal funding has ended, casualties have begun to increase. Doesn't this indicate that Federal funding is necessary to retain existing safety levels?

Captain DELANEY. Boating fatalities have increased during calendar year 1979. However, financial assistance funds were appropriated and allocated to the states in fiscal year 1979. Termination of the financial assistance would have had minimal impact during 1979. The trend from 1980 would have to be observed.

Senator RIEGLE. How do you respond to the bills' proponents' argument that the bill is equitable in that boaters will bear the full costs of programs which benefit them?

Captain DELANEY. The argument is logical. However, on the facilities side, the Heritage Conservation and Recreation Service indicates that boaters are receiving an equitable share of Land and Water Conservation Fund assistance.

Senator RIEGLE. Isn't it true that, without boating safety programs there will be more accidents which will force the Coast Guard to expend additional resources for search and rescue? Therefore, isn't it shortsighted to terminate boating safety funding?

Captain DELANEY. If states eliminated boating safety programs, it is reasonable to assume that more boating accidents will occur. While additional Coast Guard search and rescue activities may increase, additional state and local search and rescue efforts may also be required in those many areas where there are no Coast Guard resources. Continuation of state funding of boating safety programs is therefore encouraged.

Senator RIEGLE. Proponents of the bill speak of a "Double Whammy" whereby the Coast Guard has eliminated funding to the states and substantially reduced its own boating safety programs. Isn't the inevitable result going to be the collapse of this highly successful Federal-state joint effort?

Captain DELANEY. The Coast Guard is changing the emphasis of its Boating Safety Teams from on-the-water enforcement to training. Training of state and local law enforcement personnel will, in fact, be strengthened by the re-orientation. We will strive in all feasible ways to continue to promote the fine Federal/State cooperation which was fostered by the Federal Boat Safety Act.

Senator RIEGLE. Where does recreational boating safety rank in the Coast Guard's overall program priorities? What is the basis of this ranking?

Captain DELANEY. The only overall Coast Guard program rankings occur within the Zero Base Budgeting ranking of decision packages. The Recreational Boating Safety Program is included in the "Marine Safety" decision unit along with two other major programs, Commercial Vessel Safety and Port Safety and Security. In the fiscal year 1981 rankings, the Marine Safety decision packages ranked 7, 15, 25, 35 and 57 out of 72 decision packages ranked.

Senator RIEGLE. In 1978, the Coast Guard completed a Nationwide Boating Survey which indicated that the Boating Safety Program has been extremely cost-effective. In light of this conclusion and the fact that the states cannot pick up the program costs, isn't it a mistake to terminate the program?

Captain DELANEY. The Nationwide Boating Survey provided data on boats, boaters and boating activities. Survey data are used in determining fatality rates which indicate overall safety trends. However, I believe you are referring to a 1977 study which did show that the state financial assistance program was effective in meeting its objectives by providing the incentive to the states to develop acceptable boating safety programs. The Federal funds represented varying proportions of states' total boating safety program expenditures. While some states may have difficulty in picking up program costs, I do not feel this would be true of all states. The financial assistance program had a defined length, and sufficient notice of termination was given. We urge that boating safety command a sufficiently high priority in each state to build upon, or at least retain the established base.

Senator RIEGLE. I would like now to ask Mr. Chris Delaporte, who is Director of the Heritage Conservation and Recreation Service, to come forward.

Let me welcome you to the committee, and in the same sense we will make your statement a part of the record. Don't feel bound by the brevity of the last summary, but if you can match it, you will hear no complaints from us, either.

**STATEMENT OF CHRIS T. DELAPORTE, DIRECTOR, HERITAGE CONSERVATION AND RECREATION SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. DELAPORTE. Mr. Chairman, I'm not sure I'll have the efficiency of the military, but I'll do my best.

The Department opposes the legislation before you for three reasons:

First, we believe that the Land and Water Conservation Fund (L. & W.C.F.) created in 1965 continues to offer a comprehensive, rational and successful approach to providing financial assistance to state and local governments for public outdoor recreation areas and facilities.

Second, we oppose this bill because the record is clear that recreational boaters are, in fact, receiving an equitable share of our L. & W.C.F. assistance. In my statement you can see some of the figures that we have provided for you.

Third, we note with interest that the House committee report on H.R. 4310, a bill similar to S. 1957, encourages close coordination between the State comprehensive outdoor recreation planning process, and the proposed boating facilities program, and explicitly states that creation of a new recreational boating fund is not intended to limit future L. & W.C.F. assistance to public boating facility development.

However, under the L. & W.C.F. program, the States have considerable administrative latitude to define recreational projects eligible for assistance. If a new categorical grant assistance program were to be created for recreational boating facilities, we believe that some States may discontinue L. & W.C.F. assistance for this purpose.

Further, given a new assistance program, national recreation and conservation groups will in all probability insist that the Department discontinue L. & W.C.F. assistance to boating facility development.

In summary, our opposition to this bill stems from our belief in the viability of the L. & W.C.F. to serve as the Federal source of public outdoor recreation assistance; that boaters are receiving equitable benefits under the fund; and that fragmentation of this successful program will be detrimental to the general recreating public, as well as recreational boaters.

I might say, Mr. Chairman, it's my understanding that it was never the intention of the Congress that the \$30 million coming from the Federal motorboat fuel tax receipts annually was to be dedicated explicitly for boating projects in a reciprocal fashion under the Fund's administration. Notwithstanding that, I have made available to your staff, because of the interest in your own State, a listing of some \$17 million—\$17,169,000 in boating and boat-related facilities in the State of Michigan funded by the L. & W.C.F. running all the way from marinas to fisheries to boat access ramps, et cetera.

Senator RIEGLE. Over what time period does that extend?

Mr. DELAPORTE. From the life of the Fund, starting in 1965.

Senator RIEGLE. So that would be 1965 to 1980?

Mr. DELAPORTE. I believe that run is right up to date, yes sir.

Senator RIEGLE. All right. So that would be a 15-year period, and you said the figure was \$17 million?

Mr. DELAPORTE. \$17,169,000.

Senator RIEGLE. How much have we contributed over that period of time?

Mr. DELAPORTE. I don't have the answer to that.

Senator RIEGLE. What would be your estimate?

Mr. DELAPORTE. I would not be able to estimate it. We can get that.

Senator RIEGLE. Would it be more than \$17?

Mr. DELAPORTE. Well, if you'd take \$30 million by the States over the years, it could be double that.

Senator RIEGLE. In other words, the State may well have contributed twice that amount of money over the same stretch of time and gotten back the \$17. So there may be as much as a 50-percent return on the dollar here, but you're not sure what the number is.

Mr. DELAPORTE. I'd like to come back with some figures and put it in the record so we have some accuracy on that.<sup>1</sup>

Senator RIEGLE. All right. I think it's important that we do that, because I think the only way we can really judge the meaning of the number is if we look at the contribution side, because the boat users, as we all know here, are providing these funds, and so the question of how they are used, I think, and the amounts, can only be really assessed in terms of the size of the contribution.

So if you'll provide that for the record.

Mr. DELAPORTE. Certainly, we will.

Also given Chairman Biaggi's statement a moment ago about New York not receiving a penny, we will look into the run on that, too. If we have done that poorly up there, I'll be surprised. Maybe we can get the same figures for you.

Senator RIEGLE. I think that would be good, as a matter of fact.

For the record, I think we ought to have it for the 50 States, and the best assessment you have. I don't know how precise the records are as to the contribution over the life of the program versus the payout. I think it would be good to just have that spread right through the 50 States.

Mr. DELAPORTE. Sure, we'll be happy to provide that for you.

We do have a computer now, so we can pull it out very quickly and get it back over here.

Senator RIEGLE. Very Good. I appreciate that, and that will be helpful to us.

Mr. DELAPORTE. May I make one closing statement?

Senator RIEGLE. By all means.

Mr. DELAPORTE. I think we have made some progressive changes in the administration of the L. & W.C.F. as it relates to the state portion of the program. For the record, let me remind you that matching grants are 50-50 for planning, acquisition, and development. It is the option of the Governor and his appointed official to develop a plan and maximize public participation in the plan, based upon the needs of the State, and in turn administer the grant selection process under what we call a new open process selection, beginning in the fall of 1981 in such a way that we can

<sup>1</sup> See p. 68.

assure that the many interests represented across the State can participate at that level in formulating the total plan.

I would just say, sir, given the divergency and the diversity of our States, their topography, their waters, their outdoor recreation resources and the particular interests of our people, magnified by the cleaning up of our rivers in the eastern part of America under the Clean Water Act, by the need for water access for the handicapped and for the walking public, and by the needs in the West such as in my home State of Oklahoma with its great outboard motor interest, bass fishing, and so forth, broad interest in and demand for water-based recreation continues to grow.

Those interests can best be represented and served by participating in a planning process at the State level that guarantees them their fair share within the overall comprehensive plan. I would hate to see a set-aside in the form of this proposal occur in such a way that pressure would begin to mount to exclude L. & W.C.F. assistance from being used to serve the magnitudinous interests of all of the water recreation interests in this country, that go from sailing to motorboating to marina operators, to the fish hatchery operators, to the people who want to walk along the Columbia River.

Senator RIEGLE. Well, it raises a complex question because there are some things that are unique to boating, from a safety point of view, where I think the threat in terms of weather and drowning and other problems is real. I think that is an order of magnitude different than what we find with a lot of other outdoor recreational activities, and we have to take specific account of that.

I thought Senator Eagleton's testimony highlighted that particular aspect. In addition, you also have a facilities issue here. You have a facilities issue in terms of launch facilities; you have servicing facilities; you have got access questions.

I thought the point that Congressman Biaggi made about the percentage of the coastline in the United States that is available to the public, 4 percent of the total, is not an overwhelming amount, and so I think the issue of making sure that access to this form of activity and recreation is sufficient and is balanced, given the population changes and so forth, is something that we need to take account of.

We will be in a better position to assess the progress we've made when we see these spreads. I mean when we see how the money has been used, we will be in a better position to do it.

I might point out to you, too, that I think with respect to the constrictions of the energy problem in the United States, that what we are seeing in Michigan is that more and more people are staying closer to home in terms of recreational activities, vacation activities, and so forth. As that is occurring—we are a water State, so that boating activities, I think, are increasingly going to receive more emphasis. Not just motorboating, but sailing and other things, canoeing, and what-have you.

So, in any event, I think developing our capacity to use our natural resources responsibly and safely here are really major issues, and will become more so, and so I don't want to get into an argument about that particular avenue of activity and focus versus others.

I think it's a fundamental concern, and it's so important, as a matter of fact, that we have decided that to hang a cost on the users of boating fuel—to create a fund, or at least to create a substantial part of a fund.

And so how that money is used is a fair question, and a certain share of it, I think, ought to be coming back, and I think a larger share. But my mind is open on that, as is, the committee's and we will take a look at that when we have a chance to see all the data.

Mr. DELAPORTE. I might say that your State has probably one of the most progressive and comprehensive urban recreation programs with the work that has been going on in Detroit, and on the waterfront and is supported by the Governor and the legislature. I would hope that you would look particularly close at your fish hatchery program as it relates to urban recreation, and the tie-in it has with the L. & W.C.F.

Senator RIEGLE. Well, I think that's a key issue, and we have made, as you say, great progress there. I was in Bay City, Mich., this last weekend, and we dedicated a downtown park that connects, in effect, the downtown part of the city with the waterway that goes past, and it has docking facilities.

The same thing is happening in my hometown of Flint. We just met with the officials of the city of Saginaw that are developing the waterfront there.

But also in terms of the fishing opportunities that are being reborn in rivers around the State, tremendous progress has been made, and I agree with you that Michigan has really made great strides.

At the same time, if you saw the lead article in the Wall Street Journal 2 days ago, and another article a week before in the New York Times, our bonding rating has dropped in Michigan, which makes our financial situation more difficult to manage, and we also have a tremendous shortfall in State revenues because of the effect of the recession, the high interest rates, the problem of the auto industry. So that—

Mr. DELAPORT. I understand it's 25 percent in Detroit.

Senator RIEGLE. Tremendous. But the long and the short of it is that we can't just rely even on enlightened State leadership, because we have other problems that are bearing in on us, and so the national policy in this area is fundamentally important to Michigan if we're going to continue to stay on track to both recover our water resources and put them in better shape for a variety of uses, and keep them that way, we have to take a look at where these revenues are going, and we will.

Mr. DELAPORTE. Thank you.

[The statement follows:]

**STATEMENT OF CHRIS THERRAL DELAPORTE, DIRECTOR, HERITAGE CONSERVATION AND RECREATION SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. Chairman, and members of the Committee, I am Chris Therral Delaporte, Director of the Heritage Conservation and Recreation Service (HCRS) of the Department of the Interior. I appreciate this opportunity to appear before you today to discuss S. 1957 and H.R. 4310, bills to amend the Federal Boat Safety Act of 1971 to extend the Coast Guard's boat safety grants-in-aid program and to create a new national recreational boating facilities improvement program. Under this proposed recreation boating program, construction of new public launch ramps, marinas, and related facilities would be financed by diverting the Federal motorboat fuel tax to a

new Coast Guard boating facilities fund. Currently, these revenues accrue to the Land and Water Conservation Fund (L&WCF) at a level of approximately \$30 million annually.

As you know, HCRS currently administers the L&WCF which is the principal Federal assistance program for public outdoor recreation. It provides 50 percent matching grant assistance to States and through States to local governments for the acquisition and development of public outdoor recreation areas and facilities. Projects funded must be in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and must meet other applicable Federal requirements.

The Department opposes this legislation for three reasons. First, we believe that the L&WCF, which was created in 1965, continues to offer a comprehensive, rational and highly successful approach to providing Federal financial assistance to State and local governments for public outdoor recreation areas and facilities. By developing and using the SCORP process with its citizen participation requirements, States are able to select projects for L&WCF assistance that meet the full range of public outdoor recreation needs.

The creation of a new narrowly focused categorical grant assistance program for recreational boaters would establish a very undesirable precedent of special interest fragmentation of a Fund whose very success has been its reliance upon State capabilities to identify public recreation needs and to allocate L&WCF assistance in an open and definable manner to projects meeting priority needs.

By endorsing S. 1957 and H.R. 4310, recreational boaters appear to be saying that they are dissatisfied with a process that balances boating with other recreation projects and that their case is compelling enough to warrant special attention and legislative relief. We do not believe this is the case, just as we do not believe that new assistance programs should be established for each recreation activity that is pursued by the general public.

Second, we oppose this bill because the record is clear that recreational boaters are, in fact, receiving an equitable share of L&WCF assistance. L&WCF assistance for outdoor recreation projects where boating was one of the recreation elements was approximately \$52 million in fiscal year 1978 and \$39 million in fiscal year 1979. This assistance was matched by an equal amount of State or local funding creating a total public investment of \$104 million and \$78 million respectively for fiscal years 1978 and 1979. These figures reflect the total costs for projects in which boating is an element; facilities in these projects provide direct and indirect benefits to boaters. I would point out that indirect benefits include service facilities such as access roads, parking lots, maintenance buildings and visitor centers as well as recreation elements including trails, campgrounds, picnic areas, and playfields. These figures by the way, do not include \$5.1 million of L&WCF-assistance provided in fiscal years 1978 and 1979 for fish hatcheries, whose stocking programs benefit many boaters.

These figures also do not reflect other Federal agency expenditures on behalf of recreational boating. Such expenditures include harbor studies, plans and development, nautical charts and marine weather forecasts, navigation aids and enforcement of boating regulations, the dredging of channels and ports, and the development of impoundments and recreational boating facilities on Federal lands. For example, a recent Congressional Research Service sampling of the boating facility development aspect of these expenditures for fiscal year 1978 estimates an additional Federal outlay of at least \$16.5 million.

Third, we note with interest that the House Committee Report on H.R. 4310, a bill similar to S. 1957, encourages close coordination between the State SCORP process and the proposed boating facilities program and explicitly states that creation of a new recreational boating fund is not intended to limit future L&WCF assistance to public boating facility development.

However, under the L&WCF program the States have considerable administrative latitude to define recreation projects eligible for assistance. If a new categorical grant assistance program were to be created for recreational boating facilities, we believe that some States may discontinue L&WCF assistance for this purpose. Further, given a new assistance program, national recreation and conservation groups will in all probability insist that the Department discontinue L&WCF assistance to boating facility development.

If the L&WCF were not available as a funding source for public recreational boating facility development, boaters would then rely solely upon the new Coast Guard program. In a time of significant domestic budgetary constraints it is unlikely that such a program would be fully appropriated. In the event that full appropriation were received, the program would still be unable to provide as much assistance to facility development as the L&WCF in those States where boating facility programs are well established and are a State recreation priority.

The action proposed in S. 1957 and H.R. 4310 may inadvertently tie the future of public boating facility development to a single revenue source that may decline in the 1980s. As motorboat fuel costs increase and boating becomes more expensive, fuel consumption and related tax receipts may decline, thereby, limiting the amount of money available to meet future facility needs.

In summary, our opposition to this bill stems from our belief in the viability of the L&WCF to serve as the Federal source of public outdoor recreation assistance, that boaters are receiving equitable benefits under the L&WCF and that fragmentation of this successful program will be detrimental to the general recreating public as well as to recreational boaters.

Mr. Chairman, this concludes my prepared testimony. I will be glad to answer any questions you or members of the Committee may have.

Senator RIEGLE. Let me now call our panel to the table. Mr. Schwartz, Mr. Simon, Mr. Stone, Mr. Lincoln, Mr. Dyke, and Colonel Needham.

Are we short on chairs? May be you can just pull one around from the table there.

Gentlemen, let me again explain our situation. We may be in a situation where we have to adjourn at 11, and I apologize for that, because of the circumstances on the Senate floor, but I think I would ask each of you to summarize as briefly as possible, recognizing that I would like all of you to have a chance to make some points here.

We will make all your statements a part of the record.

Why don't we start with you, Mr. Schwartz, and hear from you.

**STATEMENTS OF RICHARD SCHWARTZ, EXECUTIVE DIRECTOR, BOAT OWNERS ASSOCIATION OF THE UNITED STATES, ALEXANDRIA, VA.; ALVIN SIMON, PAST PRESIDENT, NATIONAL BOATING FEDERATION, WASHINGTON, D.C.; RON STONE, DIRECTOR OF GOVERNMENT RELATIONS, NATIONAL MARINE MANUFACTURERS ASSOCIATION, CHICAGO, ILL.; RICHARD LINCOLN, DIRECTOR OF INDUSTRY AFFAIRS, OUTBOARD MOTOR CORP., MILWAUKEE, WIS.; ROBERT DYKE, BOATING ADMINISTRATOR, ON BEHALF OF THE NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS, LAW ENFORCEMENT DIVISION, DEPARTMENT OF NATURAL RESOURCES, LANSING, MICH.; COL. DANIEL A NEEDHAM, COMMISSIONER, DIVISION OF WATER SAFETY, DEPARTMENT OF PUBLIC SAFETY, JEFFERSON CITY, MO.**

Mr. SCHWARTZ. Mr. Chairman, I am Richard Schwartz, executive director of the Boat Owners Association of the United States, a national organization of individual boat owners.

We feel this legislation is needed now because the Coast Guard is reducing its boating safety role and State boating safety programs are being threatened. The growing boating community is seriously overtaxing existing facilities, and the boating fatality rate has begun an upward swing, reversing an uninterrupted 5-year decline.

As we have heard this morning, the Coast Guard is seriously reducing its efforts in this area and pulling back. The States have already lost the funds that they had in the Federal Boat Safety Act of 1971, leaving what looks like an extremely serious void, considering the fact that we have 50 million or more Americans out there on our waterways.

Enactment of S. 1957, H.R. 4310, would provide a permanent funding source, insuring the continuance, if not the expansion, of

safe boating programs, along with the construction of boating facilities necessary for safe boating.

I would like to just make a few comments about the previous testimony. First of all, the Land and Water Conservation Fund is not presently empowered to make up the gap in boating safety education and enforcement programs that our fund would take care of. It focuses more on land development and acquisition and the construction of recreational facilities.

Second, as some of my colleagues here can even comment on in more detail, there is serious question as to how the Land and Water Conservation Fund classifies a boating-relating project in their computer printout.

We know that they include the maintenance of the battleship *Alabama* in Mobile Bay as a national monument. We also know that the construction of a single ramp in an approximately \$10 million park with all the other facilities drops the \$10 million figure into boating-related facilities.

Therefore, a serious look is needed, as was pointed out, I think, in the House report on the Biaggi bill of the 52 million dollars' worth of projects claimed by the Heritage Service, approximately \$4½ million appear to be directly attributable to boating, and solely for the benefit of boatmen.

So I think this list that you will get, and I presume we will see in the record, will deserve extreme scrutiny before we can determine how much the Heritage Service is actually devoting to boating out of our gas tax refund money.

[The statement follows:]

STATEMENT OF RICHARD SCHWARTZ, EXECUTIVE DIRECTOR, BOAT OWNERS  
ASSOCIATION OF THE UNITED STATES

Mr. Chairman and Members of the Committee, good morning. I am Richard Schwartz, Executive Director of Boat Owners Association of the United States (BOAT/U.S.). For some of you who may be unfamiliar with BOAT/U.S., we are the only national organization of individual boat owners for representation and consumer services in the country today. Our organization is not affiliated with or supported by any manufacturer, dealer, or other industry or private group. More than 70,000 boat owners have joined our organization from all 50 states.

Mr. Chairman, improved boating safety and the greater use and development of America's waters were declared public policy by the landmark Federal Boat Safety Act of 1971. This Congressional initiative has proven to be an overwhelming success. In the ensuing decade, great strides have been taken toward fulfilling these goals. All segments of the boating community, from the manufacturer to the boating consumer for whom we speak, have benefited from this far-sighted policy. All segments of the boating community appear before you today in support of S. 1957/H.R. 4310, legislation enabling the boating public to continue to progress toward these goals. We seek the establishment of a mechanism by which boatmen can pay their own way for those services and facilities considered essential to safe boating.

The Recreational Boating Safety and Facilities Improvement Act now before you has been overwhelmingly endorsed by the House Merchant Marine and Ways and Means Committees, and was approved unanimously by the full House of Representatives. Envisioned as a successor to the Federal Boat Safety Act, the enactment of this legislation will establish a self-supporting, secure funding source, enable the states to fully implement their boating safety programs, and help ensure that those gains made toward boating safety under the 1971 Act are fully realized.

The legislation under consideration today is not a grant program. Rather, it allows the boating public to pay its own way through the allocation of federal marine fuel tax revenues to a national fund. It authorizes that a total of \$30 million per year be paid from those fuel taxes directly attributable to boating. One-third would be provided for boating safety programs and two-thirds for the improvement of boating facilities.

Action in this Congress is considered essential as a number of critical factors have begun to coalesce. We face a critical juncture in the development of sound public policy toward a recreation enjoyed by nearly 60 million Americans each year.

This legislation is needed now because the Coast Guard is reducing its boating safety role, state boating safety programs are being threatened, the burgeoning boating community is seriously overtaxing existing facilities, and the boating fatality rate has begun an upward swing, reversing an uninterrupted five year decline.

First of all, the Coast Guard, the national guardian of recreational boating, has been stretched so thin in terms of budget, manpower, and additional responsibilities in other areas that it has been forced to significantly dilute its efforts in recreational boating safety and enforcement.

We know of Senator Cannon's deep concern over the Coast Guard's ability to carry out its assigned tasks, as evidenced by his request that the Government Accounting Office investigate whether the Coast Guard's resources are adequate to carry out its missions. In reporting to this committee last April, the GAO concluded that the USCG's responsibilities have increased without a commensurate growth in resources, and that budget limitations have precluded it from meeting its existing and new responsibilities. The GAO further observed that this situation is expected to worsen during the mid-1980's.

That process has already begun in recreational boating. One of its most recent victims has been the Coast Guard's Boating Safety Detachments. Specialists in boating safety, these teams have sought to prevent accidents and reduce fatalities by educating the boating public as well as enforcing the federal boating safety laws. Their activities have already been substantially curtailed, and they are expected to be totally taken out of the Coast Guard's enforcement efforts. The Federal Government is turning to the states to pick up this responsibility, without any promise of assistance.

This legislation will benefit the Coast Guard in that it will allow the states to assume greater responsibility for boating safety, education and enforcement. More than 30 states were encouraged to establish such programs under the grants-in-aid funding provided for under the 1971 Act. Unless a secure funding source is provided, however, these programs face termination or severe reduction.

We envision the administration of the facilities portion of this program as utilizing the existing infrastructure that most states provide for administering federal/state matching grant programs. State liaison officers, working in conjunction with State Boating Law Administrators and the Coast Guard could administer this fund with a minimum of additional administrative personnel at either the state or federal level. The Coast Guard's role in both the boating safety and the facilities improvement programs could be limited to "fund management," requiring only the annual review of each state's boating plans and priorities.

In the long run this joint effort should result in savings to the Federal Government rather than the inordinate, additional costs which would emanate from state curtailment, inaction or indifference.

Secondly, there has already been a two-year hiatus in federal assistance to the state boating safety programs. To the best of our knowledge, no state boating program has yet been eliminated. Much of this resilience is due to the fact that steady progress has been made on this legislation. The states have been able to stretch their boating budgets in anticipation of continued federal assistance. Should this bill not be approved in this Congress there is no doubt that these boating programs will lose their constituencies and state funding will come to an abrupt halt. What we have begun will have been to little or to no avail.

Thirdly, the number of recreational boats owned has increased by more than 35 percent during the 1970's. Much of this growth has taken place in urban and coastal areas. Boating facilities have been taxed to the limit. In many areas of the country the situation is reaching the point at which serious congestion is becoming a safety problem, contributing to a rise in the number of boating related accidents.

Prior to testifying before the House last July, BOAT/U.S. sent out a boating needs questionnaire to 50,000 recreational boat owners. More than 10,000 responses were received providing a startling picture of the plight of the typical recreational boat owner in this country.

Locating adequate facilities close to home was a major problem. Our survey showed that the average boat owner is forced to drive nearly 100 miles to get to a launching or marina facility adequate to meet his boating needs. Reasons given for a failure to use closer facilities, particularly among urban boat owners were: poor upkeep of equipment, traffic on outdated access roads, and safety hazards caused by crowded conditions at the facility and congested waterways.

Greatest among the concerns of urban boat owners was the limited number of local primary facilities such as slips, dockage, mooring space and launching ramps.

The limited number of support facilities including pumpout stations, sanitary facilities, access roads and parking were also considered important factors.

Enactment of S. 1957/H.R. 4310 would provide a permanent funding source insuring the continuance, if not an expansion, of safe boating programs along with the construction of boating facilities necessary for safe boating. State money alone will not be enough to keep pace with the growing number of boat owners taking to the waters every year. This legislation gives the recreational boat owner the best hope and assurance that he will be able to enjoy safe boating in the future, without the risks of congested facilities and crowded waterways.

Mr. Chairman, we had hoped to make the case for this legislation solely on the grounds of demonstrated need, merit and equity. Unfortunately, events have superseded us. For the first time in five years the Coast Guard reports that there has been an increase in the rate of boating fatalities. Boating safety programs fostered by the Federal Boat Safety Act were directly responsible for slashing the boating fatality rate in half from a high of 20.2 deaths per thousand boats in 1971 to a low of 9.4 in 1978. That rate jumped to 9.7 in 1979. We can only conclude that the steady erosion of boating safety as a priority program at both the state and federal levels was a contributing factor in this alarming increase.

A renewed commitment to safe boating and the development of safe boating facilities is considered essential by America's boatmen. The Recreational Boating Safety and Facilities Improvement Act is the answer. It can be implemented with administrative ease and will not entail any additional taxes. It would simply transfer the \$30 million boatmen pay into the Highway Trust Fund through the federal taxes they pay on gasoline for their boats, to a Recreational Boating Fund.

Those boating-related dollars are now being deposited in the Land and Water Conservation Fund. Boatmen are the only group paying directly into this fund. Of the \$52 million in projects the Heritage Conservation and Recreation Service claimed as benefiting recreational boating in fiscal year 1978, the House Merchant Marine Committee has only been able to positively identify \$4 million in outlays as boating facility construction projects.

Simple equity demands that boatmen receive a fair return on their tax dollar. Congress promotes safe land transportation for motorists through the Highway Revenue Act of 1956 and aviation support facilities for pilots through the Airway Development Act of 1970. Both of these legislative initiatives rely on fuel tax receipts. As one of the primary users of our nation's waterways, boatmen are asking that their needs be met by means of a similar proven mechanism.

Mr. Chairman, as the Senator from America's leading boating state with the largest number of registered boats, we know you are sensitive to the boating community's needs. In addition to enhancing boating nationwide, passage of this legislation will greatly benefit Michigan's boat owners. We urge your support.

**Senator RIEGLE.** Thank you very much. I appreciate your attempting to summarize briefly here so everybody gets a chance to make a comment, in the event that we are reined in at 11.

Mr. Dyke, may I ask you to respond next?

**Mr. DYKE.** Thank you, Mr. Chairman. I am Robert Dyke, representing the National Association of State Boating Law Administrators and the State of Michigan.

We are already on record supporting the two bills under consideration today, and we are here to reemphasize that support.

Federal funds were made available to the States in fiscal year 1972 through 1979 to help augment the States boat safety program. The program was initially authorized under the Federal Boat Safety Act of 1971 for a 5-year period, and the program was so successful, it was extended through fiscal year 1980.

However, no funds were appropriated for fiscal year 1980, even though the authorization was there.

Our records show that since the States have first started receiving Federal assistance, the program has been very successful. At the end of 1971, when the Federal Boat Safety Act was passed, and these boating safety funds were made available, we had an estimated 7.85 million boats in the Nation. The fatality rate was 20.2 fatalities per 100,000 boats.

In 1978, we had an estimated 14.05 million boats, and our fatality rate had been reduced to 9.4 per 100,000 boats. This tells us, of course, that boating is growing by leaps and bounds, but the fatality rate was reduced by more than 50 percent per 100,000 boats.

Subsequently, the decision was made to end the program that was working well at the end of fiscal year 1979. It eliminated a proven program that was a joint venture between the Coast Guard and the States, and which was designed to reduce fatalities and make safe and enjoyable boating a reality.

In reviewing the national boating statistics for 1979, we see the trend of boat fatalities reversed. For the first year since 1973, we see an increase in boating fatalities from 1,321 in 1978 to 1,400 in 1979. Even though it's a small increase from 9.4 per 100,000 boats to 9.7 per 100,000 boats, it does show an increase, and we will be watching the 1980 statistics very closely, with the depletion of Federal funds.

[The statement follows:]

**STATEMENT OF ROBERT W. DYKE, MEMBER, LEGISLATIVE COMMITTEE, NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS AND BOAT LAW ADMINISTRATOR OF MICHIGAN**

Mr. Chairman, Members of the Commerce Committee, I am here today representing the National Association of State Boating Law Administrators.

We are already on record supporting S. 1957 and H.R. 4310, two bills designed to return the Federal motorboat fuel tax to the States to support their boating safety and boating facilities program. We are here today to reemphasize that support.

Mr. Chairman, Federal funds were made available to the States from fiscal year 1972 through fiscal year 1979 to help augment their boat safety programs. This program was initially authorized under the Federal Boat Safety Act of 1971 for a 5 year period. The program was so successful it was extended through fiscal year 1980. However, no funds were appropriated for fiscal year 1980, even though we had the authorization.

Our records show that since the States first started receiving Federal assistance that the program has a proven track record. At the end of 1971 when the Federal Boat Safety Act was passed and these boating safety funds were made available, we had an estimated 7.85 million boats. Our fatality rate was 20.2 per 100,000 boats. In 1978 we had an estimated 14.05 million boats. Our fatality rate was 9.4 per 100,000 boats.

Doesn't that tell us something—like boating is growing by leaps and bounds, but our fatality rate reduced more than 50 percent per 100,000 boats. We must have been doing something good.

Then comes the ill wind that blew no good. The decision was made to end a program that was working well at the end of fiscal year 1979. It eliminated a proven program that was a "joint venture" between the U.S. Coast Guard and the States, designed to reduce fatalities and make safe and enjoyable boating a reality. This program that was eliminated was the most effective and I might add the most cost effective approach to boating safety.

In reviewing the national boating statistics for 1979, we see the trend of boat fatalities reversed. For the first year since 1973, we see an increase in boating fatalities from 1,321 in 1978 to 1,400 in 1979. Even though it's a small increase from 9.4 per 100,000 boats to 9.7 per 100,000 boats, it does show an increase. We will be closely watching the statistics for 1980, at which time most all Federal funds will have been depleted.

We view with concern also, that the U.S. Coast Guard has closed a good many coast guard stations. In Michigan alone, 7 stations have been closed. They have reduced their boating safety detachment teams and have reported that all boating teams are being taken off the water. The states are finding that calls for assistance to local coast guard stations are being referred to the state boating safety teams. It's a clear case of taking the states Federal funds and at the same time reducing the Federal involvement on joint state-federal jurisdictional waters. Mr. Chairman, this is a severe blow to the states, that they will find it hard to recover from. I would ask the question, "Who suffers?" The answer is, the more than 50 million persons who go boating on our nation's waterways.

Mr. Chairman, we, the National Association of State Boating Law Administrators, believe we have the solution; and that is S. 1957 and H.R. 4310 now before this committee. This legislation would allow the boaters to pay their own way by transferring \$80 million a year in Federal Marine fuel taxes from the land and water conservation fund to a new fund administered by the U.S. Coast Guard. I might add, that the boaters marine fuel tax monies taken from this fund will be replaced with offshore oil and gas revenues. One-third of the money would insure continuation of the states highly successful water safety programs. The other two-thirds would go to relieve the critical shortage of launching sites, berthing facilities and other boating needs. The Honorable Ella Grasso, Governor of Connecticut, in her letter to Senator Abraham Ribicoff of Connecticut, dated April 2, 1980, made an important point. She said, "The best part of S. 1957 is that no new taxes are required for this funding. It simply diverts funds already collected from boat fuel taxes, and puts it where it is most needed."

Mr. Chairman, we think that what's happening in the State of Michigan is happening to some degree in most of our 50 states. We think it is therefore, important that I quote the following from the Honorable William G. Milliken's, Governor of Michigan, letter of May 19, 1980 to Senator Donald W. Riegle, Jr. from Michigan.

"Michigan has been the recipient of boating safety grants for eight years under the Federal Boating Safety Act of 1971 and has been able to expand its marine safety activities and efforts, resulting in a reduction in accidents and fatalities on our waters. However, this grant program ended with fiscal year 1979 and it now appears that Michigan will be hard pressed to maintain the quality of its marine safety program without continued Federal financial assistance. In fact, our program was reduced in funding by \$641,000 for fiscal year 1979-80 based primarily on loss of Federal financial assistance and insufficient state funds being available.

Recently announced cutbacks in boating safety patrols and search and rescue missions by the United States Coast Guard will place ever increasing demands on the States boating safety programs and unless funds are made available to replace the Federal grant program which terminated last year, these demands cannot be met and I am fearful that recreational boaters will suffer tremendously."

Mr. Chairman, in summary our association is deeply concerned for the safety of our nation's boating public. We need financial help as would be provided in S. 1957 and H.R. 4310. We ask this committee to help us, help our boating public in making safe and enjoyable boating a reality on our nation's waterways.

Mr. Chairman, I thank you for allowing the National Association of State Boating Law Administrators to give testimony on this important piece of legislation, known to be in the best interest of our boating public.

Thank you.

Senator RIEGLE. Let me thank you very much, and let me also make another request. Steve Harris, on my staff, who is seated behind me, I would appreciate it if before you leave today, if you'd have an opportunity to meet with Steve so we can discuss this more fully from a Michigan point of view, and just sort of think together about this, and how we might go forward here. Can I ask you to do that?

Mr. DYKE. Fine.

Senator RIEGLE. We may have some additional questions for you for the record.

I am advised we are going to have to—they are going to enforce the rule, and because of the dispute on the floor, we will have to end at 11.

So, Mr. Simon, let me call on you next.

Mr. SIMON. Thank you, sir. My name is Alvin Simon, and I appear today as spokesman for the National Boating Federation, an association of State, regional and national organizations throughout the country, representing in the aggregate of approximately 1½ million American recreational boatmen and their families.

Its member organizations—and I have them here included, without going over them, over 21 member organizations, of which the

Michigan association from your district, representing over 120,000 families is also a part of our group.

The testimony here, as I say, is too lengthy for me to read, but the highlights basically are that in 1976, our organization was able to obtain the computer printout of proposed boating projects. To our shock and indignation, many were not even water related. One of the boating projects included, for example, the battleship *Alabama* in Mobile Bay, as Mr. Schwartz testified, a marine-oriented facility, but hardly suitable for the man with a boat on a trailer looking for some place to launch.

Without again reading my entire testimony, I'd just like to add an addition to my testimony on behalf of our member organizations and the State of Washington, which does not have a federally approved boating numbering and safety law, let me say that we do not think Washington or any other State should be disqualified from participating in the safety or facilities grants because it does not have a safety law.

We suggest that grants for safety of facilities be treated on a separate basis. Don't penalize Washington on eligibility for facilities money just because it doesn't have a comprehensive safety law. Washington has one of the best State marine park systems in the country, and it has demonstrated a willingness to enhance boating by applying State tax on fuel using boats to better boat facilities.

We think Washington State will find it to its advantage to come through with a safety law, without forcing the issue through arbitrarily eligible requirements for grants.

[The statement follows:]

STATEMENT OF ALVIN SIMON, EXECUTIVE COMMITTEEMAN AT LARGE AND PAST  
PRESIDENT OF NATIONAL BOATING FEDERATION

My name is Alvin Simon, and I appear today as spokesman for the National Boating Federation, an association of State, Regional and National organizations throughout the country, representing in the aggregate approximately one and a half million American recreational boatmen and their families.

Let me say at the outset that we wholeheartedly support H.R. 4310 and S. 1957 and wish to express our gratitude to the authors and cosponsors of this legislation.

I would like to give you the organized boatmen's perspective on this legislation and the reasons why it is so urgently needed.

Of all the many witnesses who appear before the Congress, most want something. We are no different. Few, however, want to pay for what they ask of the Congress. In this respect we are different.

We simply want certain Federal tax moneys, collected on fuel used in recreational boating activity—in contrast to general Federal taxes or revenues—to be used for meaningful recreational boating purposes, in the same way similar tax moneys are used for the benefit of those who pay them.

The first reason that we want such moneys used for boating purposes is that we were assured they would be when we were persuaded to support the Land and Water Conservation Fund Act fifteen years ago. To our dismay, over the years there has been very little return in projects that boatmen can relate to.

Boating interests have repeatedly protested to the Heritage Conservation and Recreation Service and to State Liaison Officers for the Land and Water Conservation Fund that meaningful boating facilities projects should be funded from Federal marine fuel tax contributions to the Land and Water Conservation Fund. To no avail.

In 1976 our organization was able to obtain a computer printout of supposed boating projects. To our shock and indignation many were not even water-related. One of the boating projects included, for example, the Battleship Alabama in Mobile Bay—a marine-oriented facility but hardly suitable for the man with a boat on a trailer looking for somewhere to launch.

We are not getting our money's worth from the Land and Water Conservation Fund, and, despite best efforts, we are unlikely to do so. Please note that we are the *only* identifiable group paying anything into that Fund.

The people who administer the L & WCF suggest that boating should have no special dollar-for-dollar claim on funds contributed in terms of benefits derived. But, by that same logic most other forms of recreation would have *no* claim on the moneys whatsoever. We are forced to compete unsuccessfully with other outdoor recreation interests for *our own* money. This is highly unfair. There is *no* tax on bicyclists for bicycle paths; *no* tax on hikers for hiking trails; *no* tax on golfers or tennis players. All we want is to pay for our own projects, not theirs.

Dealing with the Heritage Conservation and Recreation Service and Interior on this issue over the years shows us their considerable bias against power boating which contributes thirty million dollars a year to their program. For example, "Outdoor Recreation—a Legacy for America," a handsome booklet published by HCR's predecessor, the Bureau of Outdoor Recreation, several years ago, extolled the accomplishments of the L & WCF. In it the agency fairly acknowledged the facilities needs for canoeing and day sailing, but power boating was played down as part of a catch-all category called "other boating." Elsewhere the publication quoted environmentalists and lakeshore property owners' complaints about the noise of power boating.

Today, Federal motorboat fuel tax revenues are a relatively small part of the Land and Water Conservation Fund which will take in over 900 million dollars in fiscal 1980, largely from Federal mineral lease revenues.

This brief history of the use of the Federal marine fuel tax suggests two things: First of all, we never got what we were promised. Secondly, the Land and Water Conservation Fund is so large that withdrawal of the boating revenues would not produce a significant shortfall particularly with accelerated Continental Shelf mineral leasing revenues.

The second reason why we want marine fuel taxes paid by boatmen to be used for boating is that our needs for facilities development are great. These have been well documented in most sections of the country by state and Federal recreation agencies including the Department of Interior, Corps of Engineers, coastal zone planning agencies, Sea Grant Research, etc. We would suggest also that there is a great need for water oriented recreation in urban areas.

Consider this, there are approximately 450 cities in this country with populations over 50,000 people. Fully 70 percent of these are located on water. In the eastern part of the country many urban waterfronts are badly in need of revitalization and redevelopment. What better way to create jobs and enhance urban living than through boating facility development right at the doorstep of cities. We would also point out that providing recreation at an urban waterfront location would really save on fuel otherwise required to travel to some other place or some other type of recreation distant from the population concentration. In addition, investment of a small amount of money for boating access, particularly in higher-priced urban locations, unlocks vast surface acreages of recreational water without further cost. To say it another way, water surface area doesn't have to be purchased unlike other recreation lands whether urban or rural. This simply means "more bang for the buck" in terms of Federal, state or local investment in recreation.

The direct benefits of H.R. 4310 and S. 1957 will go to that broad cross section of Americans—58 million strong—who go boating each year; the same people who will pay for the benefits.

The fact that boating facilities are in very short supply has inhibited boating tremendously. This factor combined with inflation and the need for recreating closer to home because of the rising cost of energy has resulted in a steady decline in smaller boats over the last five years. According to industry figures the decline in outboard boat sales has been approximately 30 percent during this period.

We feel that development of boating facilities where the people are with money provided by H.R. 4310 and S. 1957 will go a long way to avert this trend and revitalize the ailing boating industry. This is yet another benefit from H.R. 4310 and S. 1957. Obviously, as industry sales and employment increase so also do Federal income tax revenues as a result of this economic stimulation.

A third reason boating fuel tax revenue ought to be used for boating purposes is that all other fuel revenue is used for the benefit of those who pay the tax. Motor vehicle fuel taxes go into the Highway Trust for the construction and improvement of the highway system which the drivers use. Aviation fuel tax money is placed in the Aviation Trust for use exclusively for purposes benefiting private and general aviation. Only the boatmen, of all fuel users, has derived no benefit from the taxes he paid, which were used to fund benefits for others. Simply justice requires parity of treatment for boatmen with other fuel users.

There are further reasons our Federation supports this bill, I would like to talk about boating safety, for just a moment.

Boating safety education and marine law enforcement are handled primarily at the state level. With one or two exceptions all states have had boating safety programs for the better part of two decades utilizing state boat registration revenues as the primary source for funding such programs.

The Federal Boat Safety Act of 1971 encouraged greater boating safety education and law enforcement effort by the states within Federal guidelines. However, the program also provided Federal matching grants administered by the Coast Guard to help support improved boating safety efforts at the state level. While the state grant program was never fully funded the amounts that were made available to the states since 1971, combined with state revenue sources, resulted in substantial improvement of boating safety education and marine law enforcement programs.

After several years with such new and expanded programs the benefits in improved boating safety are clear. However, the state grant program under the Federal Boat Safety Act was discontinued within the past year in the interest of Federal budget austerity. The states, for their part, have no other sources of revenue to substitute for the withdrawn Federal funding. Moreover, they are still subject to the Federal requirements and guidelines for their state boating safety programs. It may be fairly said that withdrawal of Federal matching funding while leaving Federal requirements in place leaves state boating programs financially in limbo.

H.R. 4310 and S. 1957 solve this dilemma by providing necessary substitute funds. Moreover, such funds are neither a new tax nor does their transfer from present purposes leave the program with which they are now associated impoverished or much reduced. The purpose for which such funds would be used—boating safety—certainly has a much higher priority for us in boating than development of more hiking trails under the Department of Interior. And, of course, there is the basic equity of giving boatmen something tangible for the monies they pay.

Congress, the U.S. Coast Guard and the States have all invested a lot of money and energy in building up the momentum we now have in boating safety programs. The Federal Boat Safety Act matching grant program to the states has been a model of efficiency and effectiveness. To let this momentum diminish for lack of proper funding when adequate funds are available as provided under H.R. 4310 and S. 1957 would be very shortsighted and unwise at the sacrifice of considerable previous efforts of us all.

Accordingly, we believe that this Committee and the Congress can make no choice but to support H.R. 4310 and S. 1957 as we do. The money is there and it is money paid by boatmen. There will be no inflationary impact, no increase in Federal deficit nor the need for a new tax.

We fully support H.R. 4310 and S. 1957 and urge that you do so also.

**Senator RIEGLE.** Let me just stop you there. Otherwise I'm not going to have a chance to call on the others. I hear what you're saying. I think Washington ought to have a comprehensive safety law, so I'm not terribly sympathetic to that argument, but you are free to make it, and we will include it as part of the record.

We may have some questions for you, for the record, as well. Not on that, but on other matters.

**Mr. Stone,** could I ask you for your comment?

**Mr. STONE.** Yes, sir. I'm Ron Stone, director of government relations for the National Marine Manufacturers Association. Our Chicago-based organization, with more than 900 manufacturers of recreational boats, marine engines, boat trailers, and marine accessories and services is the national trade association representing the recreational boating industry. And I am here today to testify in favor of the Recreational Boating Safety and Facilities Improvement Act.

I think that the coalition of interests in support of this legislation deserves special comment. I will wager, Mr. Chairman, that you will rarely encounter again on Capitol Hill a coalition whose members are so potentially antithetical in the relationship, but so united in common cause.

The manufacturers of recreational boating equipment are joined here today with their consumers, who in turn are joined by those State officials specifically responsible for policing recreational boating.

Notwithstanding the Coast Guard's position on the bill, even the National Boating Safety Advisory Council, a statutory body created by the Federal Boat Safety Act of 1971, to advise the Coast Guard on important matters of boating safety, has adopted a resolution supporting the principle of proposed legislation.

The common glue in this unity is a deeply shared concern for boating safety and better boating facilities.

[The statement follows:]

**STATEMENT OF RON STONE, DIRECTOR OF GOVERNMENT RELATIONS, NATIONAL MARINE MANUFACTURERS ASSOCIATION**

Mr. Chairman and members of the Committee. I am Ron Stone, Director of Government Relations for the National Marine Manufacturers Association, more popularly known as NMMA. Our Chicago-based organization with more than 900 manufacturers of recreational boats, marine engines, boat trailers and marine accessories and services is the national trade association representing the recreational boating industry. I am here today to testify in favor of H.R. 4310 and S. 1957, titled the Recreational Boating Safety and Facilities Improvement Act.

Nine years ago Congress took a giant step forward in boating safety by giving us the Federal Boat Safety Act of 1971. The Act created a federal/state partnership launching programs which have served to educate many boatmen in the fundamentals of safe boating and also to enforce safety on the water.

We are here today to ask that Congress take another major step for boating safety. We are asking that you pass one or the other of H.R. 4310 or S. 1957 to enable states to continue their programs of boating education and law enforcement. This legislation is also needed to assist the states in minimizing the number of boating accidents caused by poor, overcrowded facilities through a matching grants program for new and improved boating facilities.

The mechanism through which all this would be accomplished is the presently existing federal four-cent per gallon tax on marine fuel, which currently is earmarked to the Land and Water Conservation Fund for overall outdoor recreation resources development. The legislation before you would redirect this tax revenue to a new fund under Coast Guard administration to be used on a 50/50 federal-state matching basis to help states finance their boating safety education and law enforcement programs and to improve their boating facilities.

We are convinced that this would be money well spent.

The Coast Guard's boating safety-related accident records will show that for the duration of the state boating safety grants program under the Federal Boat Safety Act of 1971, the rate of boating accidents was cut dramatically. Ominously, since the termination of that grant program and related cutbacks in state education and law enforcement capability, we have witnessed an upturn in boating accidents. The Coast Guard's accident statistics show that the rate of fatal boating accidents rose from 9.4 per 100,000 boats in 1978 to 9.7 per 100,000 boats in 1979, reversing a six-year downward trend.

In the light of this we think it is vitally important that the States, which are severely handicapped by bare bone budgets in today's unhealthy economy, be given financial assistance to continue their boating safety education and enforcement efforts. It is all the more important because the Coast Guard has repeatedly stated that it means to withdraw from law enforcement in the recreational boating safety field and leave that responsibility to the States, and since Federal budget restraints now dictate that the Coast Guard do so.

If the Federal government proposes to shift the major responsibility for recreational boating safety to the States on waters of concurrent jurisdiction, it is reasonable to ask that the Federal government share the expense of having the States assume full responsibility. We are mindful of the sensitivities of this Congress to hold the line on the budget, but we hope that Congress will see State boating safety assistance as being cost effective.

By enabling the States to carry on alone, you reduce demands on the Coast Guard's budget which would have to be satisfied out of general revenues if the Coast Guard continued an active role in recreational boating safety.

The legislation before you costs the Coast Guard no money to administer. It is entirely self-supporting. The Secretary of Transportation is authorized to draw up to two percent of the funds appropriated in any fiscal year for carrying out the purposes of the Act for the Coast Guard's administration of the Act. That could mean as much as \$600,000 per year.

By the user fee concept, which applies the Federal tax boatmen pay on fuel used in boats, you are placing the financial burden of Federal assistance on that segment of the population which would directly benefit from the existence of a Federal subsidy. That is not only cost effective but equitable.

Finally, there is another factor which, we believe, transcends budgetary considerations in importance. Through federally assisted State boating safety programs, by enabling the States to do a better job of looking out for the safety of America's 58 million recreational boatmen, Congress will save lives. No one can place a dollar amount on the value of human life that will be saved because of Federal assistance. However, if you must weigh Federal assistance against the budget in real dollar terms, consider this: From a budgetary standpoint, it is shortsighted to cut back on boating safety education and law enforcement activities. You may very well find the savings are offset by the costs of search and rescue missions and an increase in boating accidents arising out of reduced education and law enforcement efforts.

We have heard that there are misgivings in this committee about setting up any new spending program. Although the proposed Recreational Boating Safety and Facilities Improvement Act undeniably establishes a new fund, we hope the committee will not lose sight of the fact that the source of the fund is not the general revenue but a tax paid exclusively by boatmen. It does not constitute a burden upon the general taxpayer.

There is ample precedent for this user fee concept in the dedication of Federal tax on fuel used in highway vehicles for improvement of the national highway system and in the dedication of Federal tax on fuel consumed in private aircraft for terminals and runways benefiting the private small craft aviator; also in the Dingell-Johnson and Pittman-Robertson Acts.

An even closer parallel exists at the State level. No less than thirty-three States already have laws earmarking State taxes on fuel used in boats for boating safety and facilities improvement programs. Virtually every State represented on the Senate Commerce Committee has one of these marine fuel tax laws.

There can be no question of the equity of the legislation before you. Recreational boatmen are not asking for a "free ride" on general revenues. They simply want the Federal tax on fuel used in boats, which the government estimates to be \$30 million a year at today's usage rate, to be used for genuine boating purposes. It means reallocating money that boatmen have been paying to the Department of the Interior's Land and Water Conservation Fund for 15 years with a chronically disappointing return to programs from which boatmen can meaningfully benefit.

The Federal Land and Water Conservation Fund does not allow any funding whatsoever for boating safety education or law enforcement, yet these are urgent needs, especially since last year Congress terminated safety assistance grants to the States under the Federal Boat Safety Act of 1971, which depended upon appropriations from general revenues. Under the Federal Boat Safety Act, as amended the last authorized level of funding Federal financial assistance for State boating safety programs was \$10 million per year. H.R. 4310 and S. 1957 propose the same authorized level of funding, only the burden on the general revenue is eliminated by employing a user fee concept. The legislation would provide funds on a 50/50 matching basis for the States to provide effective boating safety education and law enforcement which is desperately needed since Federal budget restraints have forced the Coast Guard to abandon safety surveillance on water of concurrent jurisdiction.

The legislation would also provide \$20 million per year on a matching basis for States to improve their recreational boating facilities. These, too, are desperately needed. Presently, boatmen in many parts of the country have no choice but to use facilities which are old, outmoded, overcrowded and poorly maintained. A definite correlation can be made between boating accidents and overcrowded waters which are overcrowded because of limited or inadequate facilities.

We fear that the situation will deteriorate even further as the high cost of fuel forces boatmen to take shorter outings or vacations, and more people crowd into waters closer to home.

H.R. 4310 and S. 1957 recognize that new and expanded facilities built on presently unused or underused boatable water can improve boating safety. By thinning out the boat population on congested waters.

Granting there are isolated examples where boating facilities have been built with Land and Water Conservation Fund assistance, we submit that fund has

largely failed to answer boatmen's facilities needs. Although boating is the only identifiable class of recreation contributing anything to the fund, you will find that boating has been given very low priority in the States' spending of funds allocated to them from the Land and Conservation Fund. Even the most cursory investigation will show that over the years many Land and Water Conservation Fund assisted projects written off against boating have had no plausible relationship to boating. For example: the establishment of the battleship Alabama in Mobile Bay as a public monument and tourist attraction, construction of a lagoon in a city park in New Orleans which can only accommodate rental rowboats, and the improvement of a State park in Wisconsin which is known to be off-limits to motorboats. Also over the years there has been too much dollar distortion in how much of the fund has been spent on boating. For example: the case of a State park in Delaware containing a single boat launching ramp being listed as a boating facility at the full, multi-million dollar cost of the entire park.

After fifteen years of imploring the fund administrators for a redress of boating's grievances, without concrete results, we are thoroughly convinced that any attempt to modify the Land and Water Conservation Fund so as to compel a fair return to boating would be an exercise in futility. We reject the argument that depositing boatmen's fuel tax to a Recreational Boating Safety and Facilities Improvement Fund under Coast Guard administration will duplicate facilities programs under the Land and Water Conservation Fund and result in a fragmentation of outdoor recreation policy and financing. There never has been a meaningful boating facilities program under the Land and Water Conservation Fund. Time and again the administrative agencies involved have demonstrated to us an indifference to or total lack of understanding of boating's needs.

If boating's needs for even the simplest launching ramps or public access areas were being served today, perhaps Congress would not be under so much pressure to enact H.R. 6074 or S. 1631, the Dingell-Johnson Expansion Bill to levy a 3 percent excise tax on small boats, outboard motors, and boat trailers to help the States fund more access to fishing waters. We trust you can see how unreasonable it is to suggest levying any form of new taxes on boating to pay for facilities when boatmen, through no fault of their own, have lost the benefit of hundreds of millions of dollars in Federal tax on fuel used in boats.

#### CONCLUSION

NMMA supports H.R. 4310 and S. 1957 because our members believe that the industry has an obligation to do more than give the consumer a safe and seaworthy boat and associated equipment. We have a strong commitment to help boat owners enjoy their recreation in safety, comfort and convenience. We believe that this legislation provides effective, sensible and equitable solutions to current funding problems in looking after boatmen's safety while on the water and in getting their boats into the water safely, swiftly, and conveniently. We think this legislation should recommend itself to you because it does not have the inflationary impact of new or additional taxes. The legislation provides a source of funds for boating safety education, law enforcement, and facilities development from the principal beneficiaries' own taxes. It uses existing Federal tax on fuel used in boats in a Federal/State partnership which will go a long way toward meeting the pressing needs of the boating public.

#### QUESTIONS OF THE COMMITTEE AND THE ANSWERS THERETO

*Question 1.* As the bills are currently written, any funds appropriated would have to be divided two-thirds for facilities and one-third for safety programs. Would you support a change to allow funds to be appropriated for one purpose without being appropriated for the other?

*Answer.* We support the approach taken in the House-passed version of H.R. 4310 since we believe that the  $\frac{2}{3}$ - $\frac{1}{3}$  division between facilities and safety programs is appropriate. Our reasons for this position are set forth below. However, we are not unalterably opposed to a different funding arrangement and would not oppose such a change in the Senate if the Committee deems to appropriate.

We believe that a division of funds between facilities improvement and safety programs is appropriate for several reasons. First, both are vitally needed and it would be a serious mistake to structure the legislation in a fashion that could result in only one of the two being funded. The legislation being considered gives this Committee an opportunity to significantly improve boating safety and it would be unfortunate if the legislation were structured in such a way as to frustrate or partially frustrate the achieving of this objective.

In our view, the hearing record supports a  $\frac{2}{3}$ - $\frac{1}{3}$  division of funds. Since this issue has been carefully considered by the Committee, the appropriate division should be established by the authorizing legislation. We believe that leaving this determination to the budgetary and appropriations process would be less preferable since the latter process is less suited to making the type of determination that is required here.

There is clearly a need for both facilities improvement and safety programs. The need for the former has been established in the hearing record, as has the safety improvement that will result from better facilities. Similarly, the need for boating safety enforcement and boating education grants for the States been established by the reduction in the boating accident rate when state programs were being federally funded and by the consequent increase in that rate when federal funding was terminated.

Accordingly, it is advisable for the authorizing legislation to provide for a division of funds between facilities improvement and safety programs. As noted above, however, we would not object if this Committee decides to allow funds to be appropriated for one purpose without being appropriated for the other.

*Question 2.* How do you respond to Mr. Delaporte's suggestion that passage of this legislation may actually result in a reduction of funds for boating facilities because L. & W.C.F. funds may no longer be available?

Answer. We believe that the intent of this legislation is to complement the L. & W.C.F. program as it affects boating facilities. For example, L. & W.C.F. funds could be used to acquire land, upon which a boating facility could subsequently be constructed with assistance from the new fund.

Thus, Mr. Delaporte's threat appears contrary to the intent of the legislation. Indeed, the House Committee on Merchant Marine and Fisheries, in its report on H.R. 4310, specifically stated that the proposed new program was intended to be complementary to the L. & W.C.F. program and that its enactment should not cause a reduction of L. & W.C.F. funds for boating facilities.

In order avoid the possibility of such a reduction taking place, we would support language, either in legislation reported by this Committee or its report, which would specifically provide that L. & W.C.F. funds for boating facilities are not to be reduced on account of the new fund. In our view, this would clarify beyond any doubt the Congressional intent manifest in the legislation.

*Question 3.* It is my understanding that funds appropriated under this legislation would have the effect of increasing expenditures from general revenues rather than reducing funds in the L. & W.C.F. How would you respond to those who argue that, at a time when we are cutting many worthwhile programs, including those administered by the Coast Guard and the HCRS, we cannot afford this new program?

Answer. First, it is not necessarily true that this program will come out of the general fund. To the extent that appropriations to the L. & W.C.F. are reduced during deliberations to reflect the existence of this separate program, no impact on general funds will occur.

In any event, we believe that the proposed new fund is fully justified by the safety benefits, including the saving of human lives, that will result from funding for state safety programs and for facilities improvements. Although we cannot calculate the value of a human life, such considerations of safety must be balanced against question of costs. Thus, we believe that affordability of the program in budgetary terms must be balanced against its benefits. When viewed in terms of human safety, we have no doubt that it is justified, and indeed, that we cannot afford to be without the new program.

Further, it should be remembered that these safety benefits will be obtained through use of the taxes of those who stand to benefit. Boaters are not seeking general revenues to fund the safety programs and facilities improvements that are essential for boating safety. Instead, they are simply asking that the taxes which they pay for motorboat fuel be specifically dedicated to this use.

*Question 4.* With almost 60 million boaters throughout the country, why haven't they been able to have their needs adequately recognized in the administration of the L&WCF?

Answer. There are two broad reasons why boaters have been unable to have their needs adequately recognized in the administration of the L&WCF: the manner in which the administration of the fund is structured; and statutory restrictions in the Land and Water Conservation Fund Act.

First, the Heritage Conservation and Recreation Service (HCRS) has never been particularly oriented toward boating. Its concerns and those of the Department of the Interior, of which it is a part, are focused on a wide variety of activities which do not include boating. This differs from agencies such as the Coast Guard, which are involved in boating and aware of boaters' problems. As a consequence of HCRS'

orientation away from boating, it has never, in its administration of the L&WCF, given boating activities the attention or funding that they deserve.

This problem has been exacerbated in recent years as HCRS has shifted the emphasis of the L&WCF to providing recreational opportunities for low-income urban dwellers. Although there are compelling reasons why such an emphasis should lead to an increase in support of boating activities, it has had the opposite effect.

The difficulties that boaters face with HCRS' administration of the L&WCF is paralleled at the state level. Most State Liaison Officers have little or nothing to do with boating. Their areas of responsibility are in other fields. Consequently, they tend to be unsympathetic to the funding of boating facilities, and it is virtually impossible to convince them of the importance of developing new and better boating facilities.

Boaters' efforts at remedying the inadequate treatment of their needs has been seriously handicapped by two major misconceptions about boating. First, there is a widespread belief that boating is a rich man's sport and that, therefore, boaters can afford to take care of their own needs for facilities and services. In actuality, the average recreational boat owner in this country is a blue-collar or semi-skilled worker, a family man earning less than \$15,000 a year, who owns a trailerable boat of less than 16 feet in length. Wealthy yachtsmen comprise less than two percent of the boating population.

Another misconception is that private developers and the pressures of business competition will provide enough boating facilities so that there is no reason to be concerned about the shortage of public boating facilities. Actually, the private sector is reluctant to enter the market because marinas and similar facilities in most parts of the country are a seasonal business, which are often very marginal as income producers. Similarly, there is little or no profit in basic launching ramps despite the fact that such means of access is the greatest need in boating today. In addition, many potential developers have been intimidated by the requirements imposed by various federal, state and local laws and regulations. It often takes years to obtain the necessary permits and approvals, with the result that all but the most determined developers are discouraged for making the effort. Although both these beliefs are incorrect, they have made it difficult to convince the administrators of L&WCF monies that boating facilities need help from that Fund.

The second primary reason that boaters have not been able to have their needs adequately recognized by the L&WCF is the restrictions in the enabling statute. The Land and Water Conservation Fund Act does not permit the funding of boating safety education or boating law enforcement. Its use is restricted to land acquisition and to facilities construction, and there is no way that enforcement and education can fall within this limitation. Thus, the clear need of the states for financial assistance to carry on lifesaving programs of law enforcement, education, and search and rescue cannot be satisfied by the L&WCF.

*Question 5.* You suggest that only \$4 million were expended from L&WCF in 1978 for boating facilities. But don't the access roads, parking lots, and other facilities funded by the L&WCF also directly benefit boaters?

Answer. Not necessarily. Although such facilities may confer some benefit on boaters, either directly or indirectly, they are largely focussed on serving other needs. As a result, the benefits that they provide to boating activities are generally extremely limited in scope.

Further, unless these other facilities are integrated with boating facilities, they confer no benefits on boaters. The \$4 million, which we believe to be the amount expended from L&WCF in 1978 for boating facilities, takes account of many such other facilities which have the necessary proximity to boating facilities. As a result, we believe that L&WCF has provided completely inadequate support for boating facilities. We will provide the Committee with an analysis of 1979 expenditures as soon as possible.

*Question 6.* I imagine that many of the members of the group you represent support our efforts to reduce federal spending and to balance the federal budget. Isn't it inconsistent to ask us at the same time to create a new program for their benefit?

Answer. No. Recreational boaters are not asking for new taxes or for expenditures on their behalf that cannot be justified by a clear and compelling need. Rather, recreational boaters are asking for a reallocation in the disbursement of the federal tax dollars which they pay on the fuel used in the boats. This is not a new or untested concept; the majority of states today apply state motor fuel taxes attributable to boating wholly to boating improvements. No impact on the federal budget need ever be felt and it clearly will not be felt in fiscal year 1982 or fiscal year 1983.

**Senator RIEGLE.** I think your testimony is very important, and we will include it in full in the record, and I will see to it that it's distributed to the other members of the committee.

Mr. Lincoln, let us hear from you.

**Mr. LINCOLN.** Thank you, Senator. I am Dick Lincoln, director of environmental affairs for Outboard Marine Corp., and I am also a director of the National Marine Manufacturers Association. I am here to support this proposed legislation.

Historically, our company and our industry have supported boating safety programs for years. We have worked actively and continually with the Coast Guard and within our industry for the purpose of making the boating machinery, especially the boats and engines, safer for boaters.

Another very important part of safety is the education of boaters. Therefore, we feel that the funds that will be allocated by this act to safety education programs would be effectively used by the States.

We also feel that there is a very strong relationship between safety and facilities, and therefore we agree with the act's support of new and improved boating facilities.

I will recall to you without detail an incident which occurred in your home State in 1967, where a severe sudden storm hit offshore, seven people drowned, and many more were luckily washed ashore.

Senator RIEGLE. I recall that.

**Mr. LINCOLN.** Improved facilities could have made that incident less disastrous.

I guess I'll stop there.

[The statement follows:]

**STATEMENT OF RICHARD H. LINCOLN, DIRECTOR OF ENVIRONMENTAL AFFAIRS,  
OUTBOARD MARINE CORP.**

Mr. Chairman and Members of the Hearing Committee, I am Richard H. Lincoln, Director of Environmental Affairs of Outboard Marine Corporation which is headquartered in Waukegan, Illinois. I am also a Director of the National Marine Manufacturers Association, which represents approximately 1000 manufacturers of boats and boating equipment.

I testify today in favor of S. 1957 and H.R. 4310, two bills which would amend the Federal Boat Safety Act of 1971 and result in improved recreational boating safety and facilities.

Outboard Marine has been manufacturing and marketing world wide the Johnson and Evinrude lines of outboard motors and the OMC brand of stern drive and other engine powered products for more than 70 years.

Outboard Marine has always been a staunch supporter of everything that could contribute to boating safety. The company was in the forefront of support when the Federal Boating Act of 1958 and the Federal Boat Safety Act of 1971 were planned and eventually passed. We feel that the passage of these laws were important milestones because, since their enactment, we have watched a steady decline in the number of boating fatalities and boating related accidents.

The company's product engineering group is continually working to enhance boating safety. OMC has worked continually with the Coast Guard under the 1971 Act to secure enactment of regulations that would provide the safest kind of boating equipment for the more than 50 million Americans who boat each year. Back in 1971, there were unfortunately 20.2 boating fatalities for every 100,000 people who were out on the water. By 1978 this had declined to a rate of 9.4 persons per 100,000. While it is not perfection, it certainly is a magnificent tribute to the efficacy of legislation which mandated safe products and encouraged and supported both state and federal educational and enforcement efforts to help those who venture on to the water.

Manufacturers of boating equipment have worked diligently to contribute to these encouraging statistics so that in the most recent figures, only 2.3 percent of boating accidents were attributable to either hull or machinery faults.

Numerous factors must be considered when trying to understand the causes for the almost 98 percent of the mishaps which are not related to mechanical problems. Lack of adequate facilities to enable boaters to circumvent the elements must share the blame on many waters. To anyone who has been caught in a sudden squall this continues to be a very real problem. Even though the boater makes it to the launching ramp, he may not be able to use it simply because of the many boaters who are as eager to escape the storm as he. Harbors of refuge which could be provided or improved under S. 1957 and H.R. 4310 would go a long way toward making boating an even safer sport.

S. 1957 and H.R. 4310 are unique legislation in that while they further promote safety in several areas they do not set up a new tax nor do they tax the general public. Instead they use the money already contributed by the American boatmen through the federal highway gasoline tax which they pay and which is currently being utilized for non-boating purposes.

As a part of the Boating Safety Act of 1971, the Coast Guard was empowered to provide seed money to establish boating safety and enforcement programs in the various states on a matching fund basis. This was an admirable program, but the 1980 federal budget unfortunately contained no provision for such funds or appropriations, such that the state programs have been greatly curtailed, or in some cases dropped altogether. The Coast Guard has admitted that it has no intention of reviving such state aids in the future.

Under S. 1957 and H.R. 4310 one-third of the moneys realized from the collection of boating fuel taxes would go as matching funds to the states for their enforcement and education programs. This, it is estimated, would be more than has been provided in any single year since 1971 by the Coast Guard. The remaining two-thirds of these moneys would also go to the states as matching funds for the establishment of boating facilities such as harbors of refuge and access facilities such as launching ramps. Such improved facilities would not only contribute to the enjoyment of boating, but would also provide the havens that undoubtedly would minimize accidents due to inclement weather.

The boaters of America are not asking for federal handouts. On the contrary, for many years they have shown a willingness to work for safety and pay for it. This is somewhat unique in the recreational field, since boaters have been willing to register their boats at a fee to provide a system whereby those who choose to disregard regulations can be readily identified. Now they are asking for the opportunity to help provide facilities which in a very large part can contribute to safety. This is in direct contrast to the hikers, cyclists, cross country skiers who want facilities which are paid for from the general fund. This attitude on the part of boaters is akin to those in general aviation who have for years taxed themselves to provide enough airports to upgrade the level of safety.

When the Land and Water Conservation Fund was first established, boaters were led to believe that the fund would be used to help finance much needed waterfront facilities, in addition to providing park properties and land-based recreation. Based upon this belief, they offered to forego any rebate of the federal fuel tax paid for boat fuel, rebates which are available to all non-highway fuel users.

While the fund administrators were happy to accept the funds, they have since had no inclination to set up any program to improve boating facilities. The fund receives \$900 million annually from oil and gas operations on the Continental Shelf so its programs will not suffer when the boating fuel tax is made available through S. 1957 and H.R. 4310.

Safer, better, more numerous opportunities to go boating can all be achieved if S. 1957 is passed. Historically, that will attract more new boaters, and more importantly, contribute significantly to the safety of all boaters.

**Senator RIEGLE.** Well, I appreciate your comments, and we will include your full statement in the record.

**Colonel Needham?**

**Colonel NEEDHAM.** Mr. Chairman, I am here to represent the people of the State of Missouri, and also the Governor of the State of Missouri who thinks that this is a very important piece of legislation. The legislation that we are talking about would return Federal marine fuel tax to the boating public and water enthusiasts who would reap the greatest benefit from what they have so graciously paid for years.

As you are aware, Federal highway fuel tax is returned to the States for highway development, maintenance, and safety. The

boating public and the water enthusiasts of Missouri are simply requesting the same procedure to be used with federal marine fuel tax.

[The statement follows:]

**STATEMENT OF COL. DAN A. NEEDHAM, COMMISSIONER, MISSOURI STATE WATER PATROL**

Mr. Chairman and Members of the Committee, I am Col. Dan A. Needham, Commissioner, of the Missouri State Water Patrol. It is a pleasure to appear before you today to present Missouri's position on S. 1957, the Recreational Boating Safety and Facilities Improvement Act of 1979.

As you may know, outdoor recreational opportunities are now recognized as a national resource worthy of development to a far greater degree than heretofore. Missouri currently has 700,000 acres of water which may be used for recreational purposes. With the construction of long view and blue springs lakes by the United States Corps of Engineers, an additional 68,500 acres will be added. The Missouri State Water Patrol has the responsibility of patrolling these waters and providing safe and enjoyable boating. Boating as a recreational pursuit, has a significant impact on our state, not only as it relates to the leisure time activities of our citizens and tourists but also by its influence on our economy. In Missouri over 28 million people will use our lakes, rivers, and streams for water related activities. Users will range from motorboat enthusiasts, to fishermen, to canoeists, to neighborhood kids floating in a used innertube.

Federal funds received in the past, which ranged from \$56,000 to \$122,000 annually, have assisted Missouri in providing safety education, rescue and recovery services, as well as enforcement necessitated by the rapid growth of the boating population and the amount of water available for recreation. Statistics indicate Missouri's boating safety program has proven to be effective and successful. We have experienced a reduction in the number of boating accidents, fatalities, and drownings. We are proud of our law enforcement and boating safety record. Federal dollars have helped to make this record possible. Monies have been utilized to implement a statewide radio system which is very vital to enforcement of boating laws, has provided enforcement equipment needed by our patrol officers, and funded safe boating courses which are conducted in schools and civic organizations throughout Missouri.

The marine community is as much of a community as our towns, cities, and rural areas. The Federal dollars which would be provided to States under S. 1957 will promote increased use of our waterways as well as enhanced recreational boat safety through improved programs and water facilities. Federal dollars will help keep the momentum going and could significantly bring about greater changes and awareness of the importance of water safety.

Lack of Federal funds, coupled with inflation and the continuing increase in the boat population could very well result in a reduction of services which, undoubtedly, will result in an increase in boating accidents, fatalities, property damage, etc. Boating safety education and enforcement of boating laws should not be sacrificed due to lack of funds. Increased public awareness of boating safety and better policing will prove more fruitful in making our waters safe, rather than legislating restrictions on the majority of boaters who do want to practice boating safety.

Thank you, Mr. Chairman and Committee Members, for this opportunity to submit testimony to you on behalf of Missouri boaters and waterway users. I sincerely urge you to vote favorably on this important piece of legislation which would return the Federal marine fuel tax to the boating public and water enthusiasts who would reap the greatest benefit from what they have so graciously paid for years. As you are aware, Federal highway fuel tax is returned to the States for highway development, maintenance, and safety. The boating public and water enthusiasts of Missouri are simply requesting the same procedure be used with the Federal marine fuel tax.

I will be happy to answer any questions you may have.

Senator RIEGLE. I think all of you together as a coalition make a tremendous showing of support, and I think your being here and your statements, your full statements, make a very compelling argument here, and I can assure you that the committee as a whole will reflect on your suggestions carefully.

As I have said, I am very sympathetic to this effort. I think we can work together and I want to work with each of you, each of your groups, as one member of the committee, and I appreciate your understanding today. We have got a situation over which we have no control in terms of the dispute on the floor, and the minority is insisting upon the enforcement of the rule today because of other matters, and so we are compelled to adjourn at this time.

I thank all of you. I have questions that I'd like to ask you to respond to for the record. It will be an important part of constructing the rationale in this case, and I would appreciate your taking some time and effort to respond in writing to those questions, if you would.

Thank you very much. The committee stands adjourned.  
[Whereupon, at 11:03 a.m., the committee was adjourned.]

## ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

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### STATEMENT OF ROBERT A. CARSON, PRESIDENT, DELAWARE BOATING COUNCIL

Mr. Chairman, Members of the Commerce, Science and Transportation Committee, this testimony is presented on behalf of the Delaware Boating Council which is made up of nearly every organized group of boaters in Delaware.

The Delaware Boating Council is on record strongly supporting H.R. 4310 and S. 1957. These two bills, which will return the Federal motorboat fuel tax to the States to support their boating safety and facilities programs, is very much needed by the States. Our testimony before your committee is to reemphasize our support for this important piece of legislation.

Mr. Chairman, Delaware is a coastal State with our entire eastern boundary adjoining the Delaware Bay, River and Atlantic Ocean. We not only have a situation where out of State boats using our waters exceed State registered boats, but we also have a large volume of tankers and other large ships transiting our waters each day to and from the port of Philadelphia and other ports in Pennsylvania and New Jersey. The interest in offshore oil, commercial fisheries, oceanographic research, tug and tows, documented vessels, etc. results in heavy usage of our waterways.

Mr. Chairman, at a time when we have seen a steady increase in vessels using our waterways, we see the Federal Government withdrawing the Federal boat safety funds authorized under the Federal Boat Safety Act of 1971. At the same time, we see the U.S. Coast Guard reducing their boating safety teams and taking them off the water. Local Coast Guard search and rescue stations are also reducing their efforts and referring many more of their calls for assistance to the State's boating safety patrols. Mr. Chairman our boating public is the one that is being shortchanged, because it has become very clear that the States are not going to be able to pick up the slack.

The answer to this dilemma, we believe, is H.R. 4310 and S. 1957. This is a program which would allow the boaters to pay their own way, by using the Federal marine fuel tax funds. The States are willing to continue a boating safety program that has proven to be in the best interest of our Nation's boating public. All they are asking for is the funds to continue this program.

The volunteer organizations that make up the Delaware Boating Council give of their time, effort and funds to promote boating safety. This service is on and off the water. When we are giving so much it becomes discouraging to see the Federal Government withdrawing their efforts in boating safety. These are joint Federal-State waters and we feel our interest and safety cannot be overlooked by the Federal Government. Mr. Chairman, the States are in dire need of the funds that would be provided under H.R. 4310 and S. 1957.

Mr. Chairman, the Delaware Boating Council feels that H.R. 4310 and S. 1957 is good legislation in the best interest of our boating public. We urgently ask for your support in the passage of these two bills.

Mr. Chairman, the Delaware Boating Council appreciates the opportunity to add input to this hearing.

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### STATEMENT OF J. B. SWIFT, EXECUTIVE DIRECTOR, INDUSTRY AFFAIRS, MERCURY MARINE, FOND DU LAC, WIS.

Mr. Chairman and Members of the Committee, my name is Joe Swift. I am executive director of industry affairs for Mercury Marine. Mercury Marine is the second largest manufacturer of outboard motors, and the largest manufacturer of Stern Drive and inboard marine engines in the world.

We support S. 1957 for clearly valid reasons, all of which point to the major contribution this legislation will make to the health and needs of recreational boating, sport fishing and related activities.

The importance of the legislation to boatmen comes at a critical time. State boating safety programs face serious cutbacks at the end of the 1980 fiscal year when federal financial assistance under the federal boat safety act of 1971 will be phased out. At the same time, sorely needed public boating facilities projects are losing out because of the high priorities assigned by Government planners to other recreation forms, especially in urban areas.

This stems largely from an erroneous impression that boating is a "fat cat's" sport whose needs can afford to be taken care of by the private sector.

The Eagleton bill, S. 1957, recognizes that boating is a popular recreation, accessible to a cross-section of over 50 million middle-income Americans, that the number of participants is growing, and that there are ever-increasing shortfalls between the demands for, and availability of, facilities and safety services. Both the House and Senate bills meet these needs.

This bill provides funds to maintain and improve boating safety programs. It will make possible much needed boating facilities. It does these things without a new tax . . . without being inflationary . . . with funds that rightfully belong to boaters who have already generated these monies in the form of fuel taxes.

S. 1957 encourages the States to dedicate state marine fuel taxes (among other ways) to raise funds to match the federal assistance.

Two-thirds of the \$30 million from fuel taxes would be earmarked for facilities development and would, among other things, help to alleviate the shortage of access areas. One-third would provide continued funding of State safety and educational programs.

These fuel taxes would return to the boater at the State level on a 50/50 matching fund basis. There would be no government "grants" involved. Each State would receive a basic allocation for support of its programs, plus additional matching funds, based on the number of registered boats in the State.

Representatives from both boating and fishing groups around the country have termed this bill "the most important piece of boating legislation in a decade." They have endorsed the concepts of this legislation and have called for the support of the boating community to urge approval of the Senate version of the boating safety and facilities improvement act.

Contrary to the inflationary tax proposed by S. 1631 (which we strenuously oppose) this bill provides facilities and services to all boaters, to fisherpeople and to non-fisherpeople alike. It does not increase equipment costs at the consumer level, and it does not require that a segment of the boating population pay a tax to support programs from which they never benefit.

Our business has been hit hard by inflation, high interest rates and a shortage of credit. In the case of Mercury Marine, we have been forced to cut more than 1,500 people from our Wisconsin payroll. Our lay-offs, added to others from the marine industry in the State, bring the total over 3,500!

Speaking for Mercury Marine, and for my colleagues in the industry, we like this legislation. We strongly urge your favorable vote. We need the improved atmosphere this bill would bring to the Marine marketplace. Its benefits would be progressive and long lasting.

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STATEMENT OF ABE L. HESSER, PRESIDENT, NATIONAL ASSOCIATION OF STATE  
OUTDOOR RECREATION LIAISON OFFICERS

Mr. Chairman and Members of the Committee, our organization, the National Association of State Outdoor Recreation Liaison Officers appreciate the opportunity to present testimony before your Committee concerning the proposed Recreational Boating Safety and Facilities Improvement Act of 1980 (S. 1957). While we understand the motivation behind this proposed legislation I am here today to express our opposition to its becoming law in its present form.

Our primary concern with the Bill is that the present Land and Water Conservation Fund program administered through the states provides funds for boating facilities around and in public recreation areas. These boating facilities are tied into other recreation and lodging facilities which in turn, support the activities of boaters. The states have worked hard to develop this as a comprehensive program for outdoor recreation facilities and the development of boating facilities is a major part of this program. We are greatly concerned that special earmarking of particular revenues from the Land and Water Conservation Fund or from other resources would significantly fracture the existing coordinated outdoor recreation development effort.

There is more money being spent on boating related activities in the State portion of the Land and Water Conservation Fund than would be available under this legislation. There is also clear evidence in the various state comprehensive outdoor

recreation plans of the long-term support of state outdoor recreation programs for developing and maintaining boating facilities. Finally, for each dollar spent from the Land and Water Conservation Fund on boating facilities another dollar of state or local matching funds is provided. This provision alone doubles the impact of Federal assistance in support of boating facilities.

Finally, we urge the Committee to consider the significant progress Congress has made over the past ten years in consolidating categorical programs in many areas of community and economic development to eliminate the exact problems that would be created by this Bill. Over this same period the Land and Water Conservation Fund has been a positive example of how a number of outdoor recreation interests were merged into one comprehensive program receiving financial support from the Federal, State and local governments. This has been an exemplary program of intergovernmental cooperation and of a comprehensive planning and expenditure approach which has assured efficient use of tax dollars.

The earmarking of a special fund for boating related projects would reverse this philosophy and the real progress made toward comprehensive outdoor recreation development over the past decade. If the Committee feels the need to expand or strengthen Federal participation in boating facilities we urge the Committee to carry this out through the present Land and Water Conservation Fund Program.

#### STATEMENT OF ALFRED M. BEETON, DIRECTOR, MICHIGAN SEA GRANT PROGRAM

I am Alfred M. Beeton, Director of the Michigan Sea Grant Program which is a cooperative effort of Michigan State University and The University of Michigan. This year we are also funding research at Eastern Michigan University and Northern Michigan University in our continuing effort to offer our assistance to citizens in all parts of the State. The Michigan Sea Grant Program conducts a balanced program of research on problems of wise use of our aquatic resources. Our educational and advisory services deliver the information in readily available and usable forms for all citizens of the State.

We have had a continuing concern over safe practices in water recreation, especially boating safety. Consequently, I welcome the opportunity to inform the Senate Committee on Commerce, Science and Transportation as to our activities and offer our opinion as to what needs to be done.

The Michigan Sea Grant Program is well known for the work that one of our investigators, Dr. Martin Nemiroff, carried out on cold water near drowning. This work has been conducted in close cooperation with the U.S. Coast Guard, National Oceanic and Atmospheric Administration, State and local agencies. The rescue and treatment procedures have been adopted by the International Red Cross. Many grateful people are alive today because of these life saving procedures; without our research and public education these people would otherwise have been considered drowning victims with no hope of recovery.

We cooperated with the U.S. Coast Guard in preparing a brochure on lightning protection for small boats. This pamphlet is designed to provide the information necessary to reduce the chance of damage or injury by lightning striking boats.

We aided the National Weather Service by producing a popular article on the transition from weather signal flags to marine weather radio. This publication was initially prepared for the Great Lakes but because of its popularity and usefulness it was distributed in large numbers elsewhere in the country. The article helped smooth the transition from a traditional but ineffective boating safety practice, to a modern, more effective system.

Our Sea Grant Extension Agents have developed fact sheets and local media campaigns to inform the public on topics such as pre-season maintenance, selection of suitable boats and equipment, boating accidents, weather interpretation, trailering, use of navigation charts and navigation aids, cruise planning, etc. Another Extension service has been a series of yearly workshops for marina operators. These workshops aid these business people in offering safe, reliable shoreside facilities to boaters.

In addition to the above we have provided public education and training on how to deal with hypothermia. We have publications on wood preservation and a climate guide to western Michigan. These activities are all part of our commitment to weather-awareness education as a key to boating safety.

Boating safety can be enhanced through an informed and educated public. In many states existing Sea Grant advisory service agents and county extension agents do and can make a major contribution in educating the public about boating safety. Improved marine weather forecasting on the Great Lakes will greatly assist small boat operators as will the development and maintenance of refuge harbors at appropriate locations along the Great Lakes.

Certainly our experiences show that cooperation between the weather services, the U.S. Coast Guard, the Environmental Data Services and Sea Grant Programs can lead to effective public education, while avoiding duplication of efforts. Such cooperative efforts should be encouraged.

[The following information was referred to on p. 43.]

QUESTIONS OF THE COMMITTEE AND THE ANSWERS THERETO

At present the Federal Government does not collect statistics which accurately analyze State-by-State contributions to the Federal motorboat fuel tax. This tax which currently accrues to the Land and Water Conservation Fund at a level of \$30 to \$35 million annually, is actually a percentage—0.75 percent—of the gross revenue collected from the four cents per gallon Federal gasoline tax. This percentage is an estimate of the amount of Federal gasoline tax collected that is attributed to motorboat use.

The House Report on H.R. 4310 recognizes this in Part I, page 20 noting that:

“\* \* \* the Treasury Department has never undertaken an independent determination of marine fuels tax revenue by State. This translated into a concern that both the Boating Fund prospectively and the existing Land and Water Conservation Fund would be financially disadvantaged to the extent that such receipts are underestimated. . . .”

In response to the Committee's concern over a lack of State-by-State analysis and its concern regarding the accuracy of the designated percentage, section 204 was added to H.R. 4310. This section which is not contained in S. 1957 requires the Secretary of the Treasury to conduct a study to determine that portion of taxes attributable to fuel used for recreation motorboats.

It should be pointed out that one of the difficulties in estimating such a percentage is that fuel used for motorboats may be purchased anywhere within a State. Accordingly, fuel purchased at marinas or docks is only a portion of the fuel used for recreation motorboating.

The State questionnaire material submitted to the House Committee for inclusion in the Hearing Record (Serial No. 96-14) reveals that many States also use a percentage figure to identify that portion of State gasoline tax attributed to motorboat use. Some States, in contrast, compute motorboat fuel tax by multiplying a per boat gallon consumption figure by the number of numbered boats in the State.

*Question.* How do you respond to the proponent's argument that, since boaters are the only recreation group that directly contributes to the Land and Water Conservation Fund (L&WCF), they should receive special consideration in the allocation of funds? Doesn't this distinction also eliminate any precedential effect for further fragmentation of the L&WCF?

*Answer.* There is no provision in the L&WCF Act of 1965, as amended, nor discussion in the Act's legislative history to indicate that it was the intent of either the Congress or the Administration that recreation boaters were to receive special consideration in the allocation of L&WCF assistance as a result of transferring the Federal motorboat fuel tax from the Highway Trust Fund to the L&WCF. While recreation boating representatives supported the creation of the L&WCF and encouraged the transfer of the federal motorboat fuel tax revenues from the Highway Trust Fund to the L&WCF, they also argued in favor of specifically earmarking these revenues for boating purposes. Stewart Udall, then Secretary of the Interior, testifying on July 10, 1963, before the House Ways and Means Committee, resisted this proposal noting:

“I think it would be inadvisable to earmark particular revenues to be used for particular purposes but there is no question that considerably more than \$30 million . . . would be used for water-based recreation. . . .”

In 15 years of L&WCF program administration this observation has proven correct. Water-based recreation has been an integral feature of many Statewide Comprehensive Outdoor Recreation Plans (SCORP) and has been a principle element of many L&WCF-assisted projects. We have provided testimony to this Committee regarding one measure of water-based recreation assistance. L&WCF assistance for outdoor recreation projects where boating was one of the recreation elements was approximately \$52 million in fiscal year 1978 and \$39 million in fiscal year 1979. This assistance was matched by an equal amount of State or local funding creating a total public investment of \$104 million and \$78 million respectively for fiscal years 1978 and 1979.

The Department believes that the creation of a new categorical grant assistance program for recreation boating facility development does, in fact, fragment the deliv-

ery of Federal assistance for outdoor recreation, particularly because there has never been previous Congressional or Administration intent to earmark the expenditure of that portion of the L&WCF derived from the Federal motorboat fuel tax.

*Question.* You mentioned that your figures for boating-related assistance from the L&WCF include many projects which are not directly boating-related. Can you estimate how much assistance has been provided for projects which fall within the definition of "recreational boating facilities" in the bills? Please provide more precise estimates for the record.

*Answer.* It is our estimate that \$33,886,568.55 worth of L&WCF assistance was provided from fiscal year 1977 through fiscal year 1979 for recreational boating facility development as defined in the bills. A detailed project listing by State is provided for your information.

We wish to stress, however, that this figure seriously underestimates the benefits boaters derive from L&WCF assistance. Most obvious is that the \$33,886,568.55 figure does not include acquisition costs that are frequently necessary prior to the development of public boating facilities. Also this figure does not include indirect benefits to boaters through service facilities such as access roads, parking lots, maintenance buildings, visitor centers, as well as other recreation elements such as trails, campgrounds, picnic areas and playfields. In addition, these figures do not include \$5.1 million of L&WCF assistance in fiscal years 1978 and 1979 for fish hatcheries, whose stocking programs benefit many boaters.

*Question.* The boaters contend that, by eliminating the motorboat fuel tax as a source of revenues to the L&WCF, they will for the first time be on an equal footing with other recreation groups, which do not contribute to the L&WCF. Therefore, on what basis could the HCRS or State agencies discriminate against boaters by not funding boating-related projects?

*Answer.* The L&WCF Act provides the Secretary broad discretionary authority to assure that funds expended are used to encourage individual active participation in outdoor recreation. However, the Act vests the states with the pivotal role in developing SCORP and in approving projects for grant assistance that are in accord with the SCORP. Because State recreation resources and demands vary significantly, States have considerable administrative latitude to define recreation projects eligible for assistance.

Accordingly, if a new categorical grant assistance program were created exclusively to develop recreation boating facilities, we believe that some States may discontinue L&WCF assistance to boating facility development. Further, given a new assistance program, national recreation and conservation groups will in all probability insist that the Department discontinue L&WCF assistance to boating facility development.

*Question.* If the bill were clarified to make it clear that the State agencies currently responsible for administering the L&WCF should also administer the facilities' funds under this bill, wouldn't that eliminate most of the duplication to which you object?

*Answer.* We note with interest that the House Committee Report on H.R. 4310 encourages close coordination between the State SCORP process and the proposed boating facilities' program and explicitly states that a new recreational boating fund is not intended to limit future L&WCF assistance to public boating facility development.

We believe that if this bill was passed by Congress, signed by the President and fully appropriated, close coordination would be essential. If both programs were administered by a single State agency the likelihood of such coordination would be enhanced.

However, the duplication that this Department objects to is not the potential duplication of State administrative functions, but rather the creating of a new Federal grant assistance program with its attendant Federal administrative costs at a time when domestic budget constraints are severe and in a period when serious grant assistance reform contemplates consolidation rather than fragmentation of delivery systems.

*Question.* There has been some confusion over whether these bills would result in increased Federal expenditures or whether they would merely divert funds which would otherwise be expected from the L&WCF. What is the administration's view of the bill's effect?

*Answer.* Assuming that this proposed legislation were passed by Congress, signed by the President and fully appropriated at a level of approximately \$30 million annually, the Federal motorboat fuel tax that currently accrues to the L&WCF would be transferred to a new boating facilities' fund. By statute, Outer Continental

Shelf oil and gas revenues would accrue to the L&WCF to make up for the loss of the Federal motorboat fuel tax. If the resulting L&WCF appropriation level matched the level of the previous fiscal year, then an increase of \$30 million would occur in Federal outlays.

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